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COBBETT'S

Parliamentary History

OF

ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066,

TO

THE YEAR 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"COBBETT'S PARLIAMENTARY DEBATES."

VOL. VII.

COMPRISING THE PERIOD
FROM THE ACCESSION OF KING GEORGE THE FIRST,
IN AUGUST, 1714, TO THE OPENING OF THE
SIXTH PARLIAMENT OF GREAT BRITAIN,
IN OCTOBER, 1722.

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ADVERTISEMENT.

THE present Volume embraces the Period from the Accession of King George the First, in the month of August 1714, to the Meeting of the Sixth Parliament of Great Britain (being the Second of the said King's Reign) in the month of October 1722. The Materials have been principally collected from the following Works: 1. The Journals of the House of Lords: 2. The Journals of the House of Commons: 3. The Political State of Great Britain, by Mr. A. Boyer; of which Chandler's History and Proceedings of the House of Commons, during this period, is a careless Abridgment: 4. The Historical Register: 5. Timberland's History and Proceedings of the House of Lords: 6. Tindal's Continuation of Rapin's History of England: and, 7. Mr. Coxe's Memoirs of the Life and Administration of Sir Robert Walpole; together with the valuable original Correspondence and authentic Papers contained therein.

The whole of the very important Proceedings, relating to the fatal South Sea Project, have been detailed with great accuracy: and it is confidently presumed, that the Reader will find in the following pages, the fullest and most complete History of that disastrous Scheme, from the first Proposition of the South Sea Company to Parliament, in January 1720, to the passing of the Bill of Pains and Penalties against the Directors of the said Company, in July 1721, that has hitherto appeared.

February 1, 1811.

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19. Against rejecting a Motion for Sir George Byng's Instructions concerning the Action against the Spanish Fleet, 935.
21. Against passing the Mutiny Bill, 936.
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17. Against rejecting a Petition of the London Clergy against the Quakers' Affirmation Bill, 944.
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Persons filling the several High Offices in Church and State from the Accession of King George the First, in August 1714, to the Meeting of the Sixth Parliament of Great Britain.

Archbishops.

1715. Archbishop of Canterbury .... William Wake, translated from Lincoln.

1713. - - - - - - of York .... { Sir William Dawes, bart. translated from Chester.

Bishops.

1714. Bishop of St. Asaph ..... John Wynne.

1715. - - - - - Bangor ..... Benjamin Hoadly, translated to Hereford.

1721. [illegible] Richard Reynolds [illegible]

[*Bishops continued.*]

1703.	Bath and Wells	George Hooper.
1714.	Bristol	George Smallridge.
1719.	———	Hugh Boulter.
1709.	Chichester	Thomas Manoingham.
1714.	Coventry and Litchfield	Edward Chandler.
1712.	St. Davids	Adam Ottley.
1713.	Ely	William Fleetwood.
1716.	Exeter	Lancelot Blackburn.
1714.	Gloucester	Richard Willis, translated to Salisbury.
1721.	———	Joseph Wilcocks.
1712.	Hereford	Philip Besse, translated to St. Davids.
1721.	———	Benjamin Hoadly.
1706.	Landaff	John Tyler.
1715.	Lincoln	Edmund Gibson.
1713.	London	John Robinson.
1707.	Norwich	Charles Trimnell.
1721.	———	Thomas Green.
1715.	Oxford	John Potter.
1691.	Peterborough	Richard Comberland.
1718.	———	White Kennet.
1713.	Rochester	Francis Atterbury.
1715.	Salisbury	William Talbot.
1721.	———	Richard Willis.
1707.	Winchester	Sir Jonathan Trelawney, bart.
1721.	———	Charles Trimnell.
1699.	Worcester	William Lloyd.
1717.	———	John Hough.
1692.	Carlisle	William Nicholson.
1718.	———	Samuel Bradford.
1713.	Chester	Francis Gastrell.
1674.	Durham	Nathaniel, Lord Crew.

LORD HIGH CHANCELLORS.

1714.	William, Lord Cowper, Sept. 21.
1718.	Thomas, Lord Parker, May 12. Created Viscount Parker, and Earl of Macclesfield, Nov. 5, 1721.

PRINCIPAL SECRETARIES OF STATE.

1714.	Sept. 17.	Charles, Viscount Townshend, vice Viscount Bolingbroke.
	24.	James Stanhope, esq. afterwards Earl Stanhope, vice W. Bromley, esq.
1716.	June 23.	Paul Methuen, esq. during the absence of Earl Stanhope.
1717.	April 16.	Charles, Earl of Sunderland, vice Lord Stanhope.
		Joseph Addison, esq. vice Lord Townshend.

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[*Principal Secretaries of State continued.*]

1718. Mar. 14. James Craggs, esq. vice Mr. Addison.
18. James, Earl Stanhope, vice Lord Sunderland.
1721. Feb. 8. Charles, Viscount Townshend, vice Lord Stanhope.
Mar. 4. John, Lord Carteret, vice Mr. Craggs, afterwards Earl Granville.

SPEAKER OF THE HOUSE OF COMMONS.

1714. The Honourable Spencer Compton.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1714. Oct. 13. Charles, Earl of Halifax.
Sir Richard Onslow, Bart. Chancellor of the Exchaqner.
Sir William St. Quintin, Bart.
Edward Wortley Montagu, esq.
Paul Methuen, esq.
1715. May 23. Charles, Earl of Carlisle; in the room of Lord Halifax, deceased; and the same Board.
1715. Oct. 11. Robert Walpole, esq. Chancellor of the Exchequer.
Daniel Finch, Lord Finch.
Sir William St. Quintin, Bart.
Paul Methuen, esq.
Hon. Thomas Newport.
1716. June 25. Robert Walpole, esq. Chancellor of the Exchequer.
Sir William St. Quintin, Bart.
Paul Methuen, esq.
Hon. Thomas Newport (afterwards Lord Torrington.)
Richard Edgecumbe, esq.
1717. April 15. James Stanhope, esq. Chancellor of the Exchequer (afterwards Earl Stanhope)
Thomas, Lord Torrington.
John Wallop, esq.
George Baillie, esq.
Thomas Micklethwaite, esq. (afterwards Viscount Micklethwaite in Ireland.)
1718. Mar. 18. Charles, Earl of Sunderland.
John Aislabie, esq. Chancellor of the Exchequer.
John Wallop, esq. (afterwards Viscount Lymington and Earl of Portsmouth.)
George Baillie, esq.
William Clayton, esq.
1720. June 11. Charles, Earl of Sunderland.
John Aislabie, esq. Chancellor of the Exchequer.
George Baillie, esq.
Sir Charles Turner, Bart.
Richard Edgecumbe, esq.

[*Commissioners, &c. continued.*]

1721. Sir John Pratt, knt. Lord Chief Justice of the King's Bench, Chancellor of the Exchequer.

1721. April 3. Robert Walpole, esq. Chancellor of the Exchequer.
George Baillie, esq.
Sir Charles Turner, Bart.
Richard Edgecombe, esq. (afterwards Lord Edgecumbe)
Hon. Henry Pelham.

MASTER OF THE ROLLS.

1717. July 13. Sir Joseph Jekyll.

ATTORNEYS GENERAL.

1710. Oct. 19. Sir Edward Northey, knight.
1717. Mar. 14. Nicholas Lechmere, esq. afterwards Lord Lechmere.
1720. May 9. Sir Robert Raymond, knt. afterwards Lord Raymond.

SOLICITORS GENERAL.

1714. Oct. 15. Nicholas Lechmare, esq.
1715. Dec. 21. John Fortescue Aland, esq.
1716. Feb. 6. Sir William Thompson, knt.
1719. Mar. 22. Sir Philip Yorke, knt.

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Whitelocke, Sir William, 50.
Wyndham, Sir William, 49, 51, 53, 59, 72, 452, 550, 682, 792.

Yonge, Mr. 446.
Yorke, Archbishop of (Sir William Dawes) 571, 943.

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COBBETT'S

Parliamentary History.

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COBBETT'S

Parliamentary History.

1 GEORGE THE FIRST, A. D. 1714.

ACCESSION OF GEORGE THE FIRST.] August 1, 1714. Pursuant to the act of succession, George Lewis, son of Ernest Augustus, first elector of Brunswick Lunenburgh, by the princess Sophia, grand-daughter of king James 1. ascended the throne on the death of queen Anne. His mature age, being then 54 years old [He was born May 28, 1660,] his experience, his personal qualities, his numerous family, the general peace then in Europe, the interest his allies had to support him, seemed to promise him a quiet and peaceable reign; but, however, he was not without his disturbances. This prince had great talents for a crown, and had not failed to exert them on occasion. He was concerned in all the affairs of Germany, and always came off with advantage. The great services he had done for the emperor Leopold, determined the emperor Joseph, his successor, to use all his power to procure him admittance into the electoral college: and the emperor Charles, successor of Joseph, caused him to be acknowledged elector by Lewis 14, and by the electors of Cologn and Bavaria, who, till the treaty of Rastadt, had refused him that title. He had waged war in person and with success. His campaign on the Rhine in 1709 was glorious, and would have been much more so, had not the too great bravery of count Merci disappointed his project of sending aid to the duke of Savoy, to enable him to penetrate into la Franche Comté. This prince had an excellent spirit and noble sentiments; he was much more sensible of services than of injuries; courageous, little capable of dissembling or hiding his thoughts; my maxim (said he, soon after his arrival in England) 'is never to abandon my friends, to 'do justice to all the world, and to fear no man.' To these valuable qualities he joined a great application to business, and a sincere desire to render his subjects happy. All these virtues together had gained him the respect and love of his German subjects, who were all submissive to his will; and their obedience had nothing of constraint, because his commands were always reasonable, and dictated both by equity and goodness.

As soon as queen Anne had resigned her last breath, the privy council met, and the archbishop of Canterbury, the lord chancellor, and resident Kreyenberg (in whose hands they were lodged) procured the elector of Brunswick's three instruments, nominating the persons to be added, as lords justices, to the seven great officers of the realm.* After the opening of the instruments, a proclamation was issued, declaring that the high and mighty prince George elector of Brunswick Lunenberg, was, by the death of queen Anne, become our lawful and rightful liege lord, king of Great Britain, France, and Ireland.—King George was proclaimed at the usual places, and with the usual solemnities, in the cities of London and Westminster. The streets were crowded with multitudes of people, and no disorder was committed. The same day the lords justices appointed the earl of Dorset to carry the king the news of his inauguration, and to attend him in his journey to England. The earl of Ila, lord justice general of North Britain, having received notice of the queen's death, and orders to proclaim the king, went to the lodgings of the duke of Montrose (one of the lords of the regency) where he found the marquis of Tweedale, and several other lords and persons of distinction, who, with the magistrates of Edinburgh, and the officers of the state, caused the king to be proclaimed with great ceremony. Two days after the lords justices of Ireland,

* The great officers were; Dr. Tennison, archbishop of Canterbury; lord chancellor Harcourt: John Sheffield, duke of Buckinghamshire, lord president; Charles Talbot, duke of Shrewsbury, lord treasurer; William Legg, earl of Dartmouth, lord privy seal; Thomas Wentworth, earl of Strafford, first commissioner of the admiralty; sir Thomas Parker, lord chief justice of the King's-bench. To these were added, by the elector of Brunswick, in the instrument under his own hand, the following persons: The dukes of Shrewsbury; Somerset; Bolton; Devonshire; Kent; Argyle; Montrose; Roxburgh; the earls of Pomfret; Anglesey; Carlisle; Nottingham; Abingdon; Scarborough, Orford; lord viscount Townshend; lord Halifax, and lord Cowper.

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the archbishop of Armagh, and sir Constantine Phipps, having received the like nature, proclaimed the king on the 6th of August at Dublin. At the same time, they issued a proclamation for disarming papists, and seizing their horses.

There was not the least disturbance or interruption given in any place to the proclaiming of the king; only at Oxford, the mayor received a letter brought by a person in a batchelor's gown, requiring him to proclaim the Pretender*.

The mayor communicated this letter to the vice chancellor, and both of them transmitted copies of it to Mr. secretary Bromley, representative for the university of Oxford, who sent them letters of thanks. The vice chancellor also offered a reward of 100*l.* to the discoverer of the author.

In the mean time, the lords of the regency finding the nation much exposed by the ill condition of the army and fleet, took all possible precautions to guard against a surprise. They dispatched such officers of the army, as they could trust, to their respective posts; gave orders to reinforce the garrison of Portsmouth, and sent vessels out to view the harbours of France. They chose Mr. Joseph Addison to be their secretary, and ordered all dispatches, directed to the secretary of state, to be sent to him. This was particularly mortifying to the lord Bolingbroke, who was now obliged to stand at the door of the council chamber with his bag and papers, and to receive orders from those, whom a few days before, he expected to command. ‡

SECOND SESSION OF THE FOURTH PARLIAMENT OF GREAT BRITAIN.

The Parliament meets.] The parliament met at Westminster, the afternoon of the very day the queen died, pursuant to the act which regulated the succession; but sir Thomas Hanmer, bart. Speaker of the House of Commons, being in the country, Mr. William Bromley, Secretary of State, moved to adjourn to the Wednesday following; which being seconded, sir Richard Onslow opposed the same, as being too long an adjournment at so critical a juncture, and therefore moved for adjourning to the next day only; which last motion was agreed to.

The Lords Justices's Speech to both Houses.] Aug. 5. The lord Harcourt, lord high chancellor, and the rest of the lords justices, came to the House of Lords, and the House of Commons being sent for and attending, the lord chancellor made the following speech to both houses.

"My Lords and Gentlemen;—It having pleased Almighty God to take to himself our late most gracious queen, of blessed memory, we hope that nothing has been omitted, which might contribute to the safety of these realms, and the preservation of our religion, laws, and liberties, in this great conjuncture. As these invaluable blessings have been secured to us by those acts of Parliament, which have settled the succession of these kingdoms in the most illustrious house of Hanover, we have regulated our proceedings by those rules which are thereto prescribed.

"The privy council, soon after the demise of the late queen, assembled at St. James's, where, according to the said acts, the three instruments were produced and opened, which had been deposited in the hands of the archbishop of Canterbury, the lord chancellor, and the resident of Brunswick. Those who either by their offices, or by virtue of these instruments, had the honour of being appointed lords justices, did, in conjunction with the council, immediately proceed to the proclaiming of our lawful and rightful sovereign king George, taking, at the same time, the necessary care to maintain the public peace.

"In pursuance of the acts before-mentioned, this Parliament is now assembled; and we are persuaded, you all bring with you so hearty a disposition for his majesty's service, and the public good, that we cannot doubt of your assistance in every thing which may promote those great ends.

"Gentlemen of the House of Commons; We find it necessary to put you in mind, that several branches of the public revenue are expired by the demise of her late majesty; and to recommend to you, the making such provisions, in that respect, as may be requisite to support the honour and dignity of the crown: And we assure ourselves, you will not be wanting in any thing that may conduce to the establishing and advancing of the public credit.

"My lords and gentlemen; We forbear laying before you any thing that does not require your immediate consideration, not having received his majesty's pleasure; we shall only exhort you, with the greatest earnestness, to a perfect unanimity, and a firm adherence to our sovereign's interest, as being the only means to continue among us our present happy tranquillity."

[*The Lords' Address of Congratulation.*] The Lords agreed upon the following Address to his majesty:

"Most gracious sovereign;

"We your majesty's most dutiful and loyal subjects, the lords spiritual and temporal in parliament assembled, though deeply sensible of the great loss these nations have sustained by the demise of her late majesty of blessed memory, think it our duty, at the same time,

* To the letter were these expressions: "This is to warn you, if you should receive an order to proclaim Hanover, not to comply with it, for the hand of God is now at work to set things upon a right foot, and in a few days you will see wonderful changes; which if you are wise enough to foresee, you will obtain grace and favour from the hands of his sacred majesty king James, &c." [illegible] the Tindal, the Universal [illegible]

with thankful hearts to Almighty God, to congratulate your majesty upon your happy and peaceable accession to your threne: And we do, with the utmost loyalty and duty, assure your majesty of our zealous and firm resolutions, to support your undoubtedly rightful and lawful title to the crown, against all enemies and pretenders whatsoever.— Our zeal and affection for your majesty's service, engage us to exert ourselves with all vigour and unanimity for securing the public safety; and we will always, to the utmost of our power, maintain the honour and dignity of your crown: And we do with faithful hearts beseech your majesty, as soon as possible, to give us your royal presence, which we are persuaded will be attended with all other blessings to your kingdoms."

The King's Answer.] This Address having been sent to the king, then at Hanover, his Majesty returned the following Answer.

"G. R.

"I take this first opportunity to return you my hearty thanks for your address, and the assurances you have given me therein.—The zeal and unanimity you have shewn upon my accession to the crown, are great encouragements to me, and I shall always esteem the continuance of them as one of the greatest blessings of my reign.—No one can be more truly sensible than I am, of the loss sustained by the death of the late queen, whose exemplary piety and virtues so much endeared her to her people, and for whose memory I shall always have a particular regard.—My best endeavour shall never be wanting to repair this loss to the nation. I will make it my constant care to preserve your religion, laws and liberties inviolable, and to advance the honour and prosperity of my kingdoms.—I am hastening to you, according to your desire, so affectionately expressed in your Address."

The Address of the Commons.] The Commons being returned to their house,

Mr. Secretary *Bromley* moved for an Address of condolance and congratulation, insisting much on the great loss the nation had sustained by the death of the late queen.

Mr. *Robert Walpole* moved for something more substantial, 'to give the king assurances of their making good all parliamentary funds.'

Mr. *Thomas Onslow*, (afterwards lord Onslow) observed, That the stress of the Address ought not to lie upon condoling, but upon congratulating and giving the king assurances of their maintaining both his majesty's undoubted title to the crown, and public credit.'

Accordingly, instructions were given for drawing up the following Address, which was unanimously agreed to the next day;

"Most gracious sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, having a just sense of the great loss the nation has sustained by the death of our late sovereign lady queen Anne, of blessed memory, humbly crave leave to condole with your majesty on this sad occasion.—It would but aggravate our sorrow, particularly to enumerate the virtues of that pious and most excellent princess; the duty we owe to your majesty, and to our country, oblige us to moderate our grief, and heartily to congratulate your majesty's accession to the throne; whose princely virtues give us a certain prospect of future happiness in the security of our religion, laws, and liberties, and engage us to assure your majesty, that we will, to our utmost, support your undoubted right to the imperial crown of this realm, against the Pretender and all other persons whatsoever.—Your faithful Commons cannot but express their impatient desire for your majesty's safe arrival and presence in Great Britain.—In the mean time, we humbly lay before your majesty the unanimous resolution of this House, to maintain the public credit of the nation, and effectually to make good all funds which have been granted by parliament, for the security of any money which has been, or shall be advanced for the public service, and to endeavour, by every thing in our power, to make your majesty's reign happy and glorious."

[*The King's Answer.*] To this Address the king returned the following Answer:

"G. R

"Your dutiful and loyal Address is very acceptable to me. The unanimity and affection my Commons have shewn, upon my accession to the crown, are most agreeable instances and pledges of their fidelity to me. I have a just sense of your inexpressible loss, by the death of your late sovereign. You may be assured of my constant endeavours to secure to you the full enjoyment of your religion, laws, and liberties; and that it will always be my aim to make you an happy and flourishing people; to which your resolution to maintain the public credit of the nation will greatly contribute. I am hastening to you according to your earnest desire, and the just expectations of my people."

The Civil List settled.] A motion being made, that a Supply be granted to the king, for the better support of his majesty's household, and the honour and dignity of the crown, the consideration thereof was referred to the committee of the whole House the next day, when the same was agreed to *nem. con.* and framed into a resolution. And on the 7th a bill being ordered to be brought in accordingly, Mr. Wykes proposed tacking to it a bill for limiting the number of officers in the House of Commons, but nobody seconding that motion, it dropped

Some members having moved for sir William Wyndham, Chancellor of the Exchequer, to be chairman of the grand committee of subsidy, Mr Robert Walpole replied that Mr. Conyers had for so many years so well discharged that office, that it would be ungrateful, unmannerly and imprudent to chuse another; on which Mr. Conyers carried it.—Then it was proposed to give the king one million sterling; but this

motion, though not directly opposed, afterwards dropped.*

Motion for paying the Hanoverian Troops, and offering a Reward to apprehend the Pretender.] Aug 12 Mr. Convers presented to the House the bill for the better support of his majesty's household, &c. and on the second reading thereof the next day Mr. Horatio Walpole moved, That the committee of the whole house, to whom the said bill was committed, might have power to receive one clause, to enable the Lord Treasurer, or commissioners of the treasury for the time being, to issue the sum of 65,022*l.* 6*s.* 8*d* being the arrear due to the troops of Hanover, for their service in the Low Countries in the year 1712, out of the 300,000*l* granted in the last session of parliament to her late majesty, towards satisfying the debt due on account to the land forces And another clause to enable and require the lord high treasurer, &c to issue out of any money granted by parliament 100,000*l.* for apprehending the Pretender.

Sir William Wyndham seconded Mr. Walpole in the first clause; and Mr. Shippen, member for Saltash, very ingenuously owned, he had opposed that payment in the late reign, but that he was for it now. Mr. Aldworth, † member for Windsor, back'd likewise the motion; but as if he designed to expose the member, who, at this juncture, appeared so forward to pay those very troops, which, a few months before, he had treated as runaways, he said, "That for his part, he had formerly been against that payment, because he had been given to understand, in that very house, that those troops were deserters, but that he had since been informed, that they were hired to fight, and had served well as long as there was fighting, and if when they came in sight of the enemy, they who had hired them, would not suffer them to fight, he did not see the reason why they should be called deserters" As to the clause, for a reward of 100,000*l.* for apprehending the Pretender, Mr. Campion, knight of the shire for Sussex, said, "That he was not in the House, when that clause was moved; but if he had been present, he would have opposed it, because in his opinion, the Protestant succession was no longer in danger, since his majesty's peaceable accession to the throne; and he defied all the house to prove the contrary." He was seconded by Mr. Shippen: but Mr. W. Pulteny, and, after him the lord Lumley argued "That the Protestant succession was in danger, as long as there was a Popish Pretender, who had many friends both at home and abroad: That the late queen was sensible of that danger, when she issued out her proclamation against him; and that the case was not altered by her majesty's demise: That the nation would be at no charge, if the Pretender did not attempt to land: and if he did 100,000*l.* would be well bestowed to apprehend him." To which no reply was made.

The Lords' Justices Speech to both Houses on receiving Letters from the King] Aug 13. Mr. Craggs, who, the day before the queen died had been dispatched to Hanover, returned this day with letters from the king to the lords justices: and the chancellor in their name made the following speech to both Houses.

"My lords, and gentlemen; "It is with great satisfaction we can now tell you, that we have this morning received a letter from the king, wherein his majesty is graciously pleased to acquaint us, that his majesty is hastening hither to employ his utmost care for putting these kingdoms in to a happy and flourishing con-

* "The Whigs acted with extraordinary prudence at this crisis; for when the renewal of the civil list was brought into the lower House, the Tories, under pretence of extraordinary zeal for the new government proposed one million, which was 300 000*l.* more than the revenue of the late queen, but the king's friends, apprehensive that the Tories acted insidiously either with a view to conciliate favour, or for the purpose of reproaching him afterwards, as oppressing the nation by a higher revenue than his predecessor had enjoyed, did not second the motion, and it was dropped." Coxe's Walpole.

† "On the 20th of September the king made his public entry into London On the following day a sad accident happened, which a little changed the gay humour the court was in; Charles Aldworth, esq. member of parliament for Windsor, had imbibed at St. Germains in France, strong prejudices against the Hanover succession; which, at his return to England, he made no scruple of publishing, and confirmed them by frequent drinking the Pretender's health. This could not but endear him to lord Bolingbroke and his faction; but it drew upon him several quarrels, in which he met with some disgraces; and in the latter part of the queen's reign he set so great a value on that merit of his, that he thought himself not sufficiently taken notice of, which made him a little restive He gave his tongue a great liberty in railing at the old ministry; and to ingratiate himself with their successors, charged it as a crime on colonel Churchill, of the foot-guards, that he had drunk the duke of Marlborough's health. Colonel Chudleigh, the other colonel's cousin meeting, unexpectedly, Mr. Aldworth in the presence-chamber at St. James's expostulated with him about it, and some by-standers, expressing their wonder, that men who had publicly drunk the Pretender's health, should dare to appear in that place, Mr. Aldworth came to hard words with colonel Churchill, and challenged him; upon which they both went out, and fought in Marybone fields, notwithstanding colonel Bisset's endeavours to prevent it Aldworth was killed on the spot, and the king being told it, expressed his indignation at people's quarrelling in his palace, but said, as he came to maintain the laws, he would leave the matter wholly to their decision." Dictionary.

dition.—He has commanded us, in the mean time, to continue our care of every thing that may conduce to the peace and safety of his dominions. And we are assured, that, if this had required his more immediate presence, he would, without the least delay have repaired hither, for the support of so dutiful and faithful subjects; for his majesty does very particularly express his great satisfaction in the loyalty and affection which his people have universally shewn, upon his majesty's accession to the crown.—At the opening this session, we did not mention to you the apprehensions we then had, from the smallness of the sum at that time advanced, that the Lottery would not be full, being desirous in the first place to try to make it effectual in the manner the parliament had established it; But we are obliged now to acquaint you, that all our endeavours have failed of the desired success, though the contributions have been thereby considerably increased.—We must therefore earnestly recommend to you, gentlemen of the House of Commons, to take this into your consideration; and to give such further encouragement as you shall think proper for raising the whole sum which was intended, and is absolutely necessary, for carrying on the service of the year.

The Speaker's Speech to the Lords Justices on presenting the Subsidy Bill, &c.] Aug. 21. The Lords Justices came to the House of Lords, and the Commons attending, the Speaker, on presenting the bill, "For the better support of "his majesty's household, &c" together with another money bill, made the following speech:"

"My lords;—The knights, citizens, and burgesses of Great Britain, in Parliament assembled, under the present happiness they enjoy, by his majesty's peaceable and quiet accession to the throne, could not enter upon any work more satisfactory and pleasing to themselves, than the providing a sufficient revenue for the occasions of his majesty's civil government, in order to make his reign as easy and prosperous, as the beginning of it hath been secure and undisturbed.

"They are sensible, that the peace of the kingdom is not to be preserved, nor the rights and liberties of the subjects to be protected, without supporting the just authority and dignity of the crown; and therefore they have thought it their interest, as well as duty, to make such a provision, as may not barely suffice to the necessity of the government, but may be suitable to the state, the honour, the lustre which the crown of Great Britain ought to be attended with

"Whatsoever is superfluous in that provision, and more than the ordinary services of his majesty shall require, will but enable him to exert his highest and most valuable prerogative of doing good: and we can give no greater proof of the trust we repose in his majesty's gracious disposition, than putting the same into the revenue into his hands, which her late majesty died possessed of; whose virtues we all admired, and of whose affections and concern for the religion, laws, and liberties of this kingdom, we had had so long experience

"As the crown itself descends immediately, and knows no vacancy, the Commons have taken care that the revenue should follow it as close as possible; for they have given all the dispatch to this grant, which the forms of their proceedings would allow: so that when his majesty shall please to answer the impatient desires of his people, by coming to take possession of his kingdoms, he will find himself equally established in these revenues, as if he had succeeded to all by an uninterrupted right of inheritance; the only difference is this, that if he had inherited them, he would have wanted one single proof of the duty, and affection, and unanimity of his subjects.

"Our desire is that this may be looked upon as an earnest and a pledge of that zeal and fidelity which we shall always retain, and which, upon every occasion, we shall be ready to demonstrate to his majesty's person and government: as such, we hope, his majesty will graciously accept it at this time; and hereafter, when he shall have had experience of the first voluntary offering of his loyal Commons, we hope he will find it to his satisfaction, as large and as ample as he could wish; might but the term of the grant be as long as we could wish; since it is to have equal continuance with his majesty's life.

"My Lords;—The bill which the Commons have passed for the purposes I have mentioned, is entitled, 'An Act for the better support of 'his Majesty's hoosheld, &c.' They have also prepared another bill, entitled, 'An Act for 'rectifying mistakes in the names of the com'missioners for the Land-Tax, and for raising 'so much as is wanting, to make up the sum of '1,400,000*l.* intended to be raised by a Lottery[a] 'for the Public Service in the year 1714.' This having been recommended to their care, and appearing to them to be necessary for his majesty's and the public service, they have reason to think, they have abundantly supplied the defects in the former provision; and in this as-

[a] "The parliament had, before the queen's death passed an act for a lottery for 1,400,000*l.* but public credit was then so low that not above 60 or 70,000*l.* had been subscribed. This was occasioned partly by the dividence of the monied men in the late administration, and partly by the low interest allowed for the blank-tickets. The lords of the regency and privy council, to restore public credit and fill the lottery, went in a body to the bank, and subscribed large sums themselves, which was such an encouragement to others to follow their example, that above 700,000*l.* was subscribed in two days; and the parliament, pursuant to the king's desire, giving further encouragement by making a small addition to the interest for the blank tickets, one per cent only, the remainder was subscribed in a few days more." Tindal.

surance, they humbly present this bill also for the royal assent."

The Lord Chancellor's Speech to both Houses.] The Lords Justices having gave the royal assent to the said Bills, the Lord Chancellor made the following Speech to both Houses:

"My Lords and Gentlemen;—We cannot but express our greatest satisfaction, and, in his majesty's name, return you thanks, for the convincing proofs which you have given in this session of your duty and affection to his majesty, and of your zeal for his government.—We must particularly thank you, gentlemen of the House of Commons, for the aids which you have granted to his majesty, for the better support of the honour of the crown, and for preventing any disappointment in the supplies given in the last session for the service of this year. You may be assured, that the unanimity, the cheerfulness, and the dispatch with which you have proceeded in granting these aids, will render them yet more acceptable to his majesty: and you may depend upon our making a faithful representation thereof to him.

"My Lords and Gentlemen; All necessary business being now happily concluded, it will be proper for us to put a speedy end to this session. We think fit, at present, in his majesty's name, to desire you forthwith respectively to adjourn yourselves until Wednesday next."

The Lord Chancellor's Speech at the close of the Session.] Aug. 25. The Lords Justices went to the House of Peers, and the Commons attending, the Lord Chancellor made the following speech:

"My Lords and Gentlemen;—Having, since your late adjournment, received his majesty's most gracious answer, under his sign manual, to your several addresses; and by his majesty's command, ordered them to be delivered to you respectively; we do now in his majesty's name, prorogue this present parliament till Thursday the 23d day of September next; and this present parliament is accordingly prorogued to Thursday the 23d day of September next."

Thus ended the second and last Session of the Fourth Parliament of Great Britain, and the last of queen Anne's reign.

PRINCIPAL OCCURRENCES DURING THE RECESS.*—*The King sets out for England—The King's entry—Situation of affairs at King George's Accession—Commotions in Scotland—The King's Declaration in Council—The Treasury and Admiralty put in Commission—Promotions—The Coronation—The affair at Dunkirk—The Pretender's Manifesto—The Parliament dissolved and a new one called—The Earl of Strafford's Papers seized—Mr. Prior ordered home—Progress of the Elections.*]—The king set out from Hereohausen the 31st of August, and in four days came to Utrecht, from whence he went to the Hague. He had there several conferences with the States, wherein the assurances, which had been mutually given by letters of friendship and effectual assistance, were confirmed. At length, on the 16th of September, the king and prince embarked at Orenge-Polder on board the Peregrine and the Mary yacht, which having, soon after, joined the squadron of English and Dutch men of war, that waited for them, under the command of the earl of Berkeley, they all sailed for England, with a fair wind; and, the next day, about nine in the evening, arrived safe at the Hope, where the admiral thought fit to drop anchor. There being a thick fog the Saturday morning, the yacht did not go up the river till the afternoon. The king and prince went into a barge in Long Reach, and arrived at Greenwich about six o'clock in the evening. The duke of Northumberland, captain of the life-guard, and the lord chancellor, at the head of the lords of the regency, received him at his landing, and complimented him on his safe arrival. The king chose to walk to his house in the park, accompanied by most of the nobility, and great numbers of the principal gentry, through an infinite crowd of persons of all conditions. Before he left his yacht, he appointed the earls of Dorset and Berkeley to be lords of his bed-chamber, and knighted Mr. William Sanderson, captain of the Peregrine. After the king had undergone the fatigue of passing through the crowd, and of giving his hand to all, who approached him, he retired to his bed-chamber, and sent for several of the nobility, such as had most distinguished themselves by their zeal for his succession. It was observed that the duke of Ormond, the lord chancellor, and the lord Trevor were not of that number. The earl of Oxford was not at Greenwich that evening, but was one of the earliest there the next morning; but had the misfortune to be undistinguished among the crowd, and with great difficulty, had at last the bare honour of kissing his majesty's hand, without exchanging a word with him. Nor did the earl escape such reflections from the spectators, as his conduct had justly deserved. On the other hand, the duke of Marlborough appeared there, justly favoured by the king, and looked upon (though not yet declared) as captain-general. The dukes of Shrewsbury, Somerset, Bolton, Argyle, Montrose, Rutland, and Montague; the marquis of Dorchester; the earls of Dorset, Bridgewater, Sunderland, Carlisle, Berkeley, Nottingham, Portland, Orford, Wharton, and Cholmondeley; the lord viscount Townshend; the lords Ossulstone, Summers, and Halifax; the bishop of Salisbury; general Stanbope, Mr. Lechmere, and many others, received particular marks of favour; and the duke of Argyle was declared groom of the stole to his royal highness; colonel William Carr and colonel Tyrrel, grooms of the bed-chamber; the earl of Hertford, the lord Finch, the lord Lumley, and colonel Oughton, gentlemen of the bed-chamber to the prince.

On the 20th of September, the king and prince of Wales made their entry with great pomp and magnificence. There were in the

* Tindal.

king's coach the prince and the duke of Northumberland, captain of the life-guard in waiting. Above two hundred coaches of the nobility and gentry, all with six horses, preceded the king's. When he came to St. Margaret's hill in Southwerk, he was met by the lord-mayor, aldermen, recorder, sheriffs, and officers of the city of London; in whose name sir Peter King, recorder, made a congratulatory speech. The lord-mayor delivered the sword to the king, who returned it to him, and he bore it in the procession bare-headed. The royal pomp continued till his arrival at his palace of St. James's and was favoured by as fair a day as was ever known in that season of the year.

The court was extremely numerous the next day, when besides the British nobility and gentry, several foreign ministers made their appearance; particularly those of France, Poland, Prussia, and Sicily, took that occasion to congratulate his majesty's happy accession to the throne, and safe arrival in England.

Before we proceed to the events of this reign it will be proper to give a general idea of the state of affairs in Great Britain and Ireland. The animosity between the several parties, which even at this day divide England, was, at king George's accession, higher than ever. The Whigs, who had been in disgrace the four last years of the queen's reign, were full of resentment at the usage they had received from the Tories, and hoped to have full satisfaction under the new reign, which they looked upon as the end of their humiliation. The Tories, on their part, were extremely apprehensive of a downfall, and this apprehension had engaged several of their leaders in practices not only dangerous, but directly contrary to the measures, the nation had taken with the two last sovereigns and the house of Hanover. To the views of these men were ascribed the late peace with France, and the violence offered by the queen to her allies, to compel them to a reconciliation with that crown, and to the sacrifice of the fruits of their victories.

Moreover, the principles of the revolution had been far from being universally embraced. Not only the papists espoused the abdicated family, but also great numbers of churchmen; and it was much to be feared, that they would join with the catholics, to dethrone a prince, whom they looked upon as a foreigner. The famous distinction of a king de jure, and a king de facto, was not yet forgot, nor the doctrine of passive obedience; and several refused to take the oaths of allegiance and abjuration.

Scotland was generally dissatisfied with the union. They were apt to consider themselves as degraded to a province of England. They had always been pleased with the title of an independant kingdom, heartily lamented the loss of it, and as heartily wished to recover it. That the Scots should, at king George's accession, be in these sentiments, is no great wonder, since it requires ages to root out of the minds of a nation such sort of impressions, however ill grounded. Accordingly, the Scots began to shew their discontent soon after the queen's death, of which there is the following account: the regency having issued a proclamation for a reward of 100,000*l.* for seizing the Pretender, they were informed that the Pretender's friends in Scotland designed an insurrection; and that some of them had been seen to go in arms towards the Highlands; upon which they ordered a good number of half-pay officers, especially of those belonging to the Scots regiments, to go thither immediately, that, in case of necessity, they might raise the militia of the country under the orders of major-general Whetham, who commanded in chief there. Though this precaution was necessary, yet the Scots Jacobites were so confounded, that they could do nothing considerable; so that the chief of them only held some consultations, and retired to their lurking places. Some of the Highlanders appeared in a body near fort William at Inverlochy, in the western Highlands. But, the governor sending out a detachment against them, they marched off; so that they could do nothing at that time in Scotland, but only steal some cattle, and took an opportunity by night to proclaim the Pretender. The government ordered them to be prosecuted; and by way of prevention, the duke of Gordon was confined by the regency to the city of Edinburgh, on his parole; his son, the marquis of Huntley, to his house in the north; and his son-in-law, the lord Drummond, to his castle of that name. The duke of Athol, lord privy-seal, who had caused the king to be proclaimed at Perth, was ordered to continue at his castle of Blair in the Highlands, to preserve the peace of the neighbourhood: and the regency being informed, that the Highlanders had appointed huntings when it is usual for the clans to attend their chiefs, they forbad those huntings, and ordered sir Donald Macdonald of Sleit, one of those chiefs suspected to be in the Pretender's interest, to be made prisoner, and sent to the castle of Edinburgh. The lord Drummond was also ordered to be seized, but escaped to the Highlands, from whence he wrote to the lords justices, and offered bail for his good behaviour. The earl of Brodalbin, who had sufficiently declared himself for the Pretender, though he had abjured him when he sat as one of the sixteen Scots peers, thought fit to retire to an inaccessible castle in a lake, upon which a detachment of foot was ordered to guard the avenues; and captain Campbel of Glendoroel, who had a commission by the earl of Oxford's means, to raise an independent company in the Highlands, was taken at Inverlochy, and from thence sent prisoner to Edinburgh. The late lord-treasurer had, a little before, set up a new chamberlain's court in Scotland, the old one having been long discontinued, because arbitrary princes had made it a grievance to the subject. The design of reviving it now was only for a cover to bestow money upon such, as were in the court-interest. Accordingly,

the earl of Mar, who managed the affairs of Scotland, recommended his own brother in law, sir Hugh Paterson of Bannockburn, and the lord Haddo, eldest son of the earl of Aberdeen, to be two of the commissioners, to whom the queen had granted a bill of 1,000*l.* each, payable by Mr. Douglas, receiver-general of the land-tax. The lord viscount Kilsyth, one of the sixteen Scots peers, and the lord Lyon, king at arms, two other relations to the earl of Mar, had also grants for the like sum. Soon after the queen's death sir Hugh Paterson demanded payment of his bill, but the earl of Ilay, lord justice-general of Scotland, interposed, and acquainted the regents how unreasonable a thing this was; and particularly that men suspected of disaffection to his majesty's government, should have the public money distributed among them. Upon this the lords regents ordered the duke of Athol, lord privy-seal, to put an immediate stop to all grants, that were not passed before the queen's death; which disappointed those gentlemen of their money, and saved 4000*l.* to the government.

When the king was proclaimed at Glasgow, forty or fifty unknown persons, while the magistrates were busy in attending the proclamation, took an opportunity to pull down the episcopal meeting-house there, where one Mr. Cockburn had set up the English liturgy, by countenance of the late government, more to disgust the citizens, than in hopes of gaining proselytes. As soon as the magistrates heard of it, they sent to apprehend the actors, and to prevent the pulling down the house; but they had done their work, and made their escape, before the magistrates came thither; so that none of them were discovered or taken. The jacobite party took occasion from hence to reflect upon the presbyterians, as if they had persecuted those of the church of England, and insert an account of it in the *Post-Boy*, with all the aggravating circumstances, that their malice and invention could suggest. Complaint was likewise made of it to the regency, who ordered the lord advocate of Scotland to inquire into it. There was found good reason to suspect, that the thing was done on purpose by the disaffected party, to raise a clamour; because Mr. Cockburn the day before had retired with his family and effects to Edinburgh, though the magistrates of Glasgow had given him assurance of protection. This account being taken upon oath by the magistrates, and sent up to the regency, put an end to that matter. Thus stood the affairs in Scotland, at the time of king George's accession.

As for Ireland, the chief thing to be dreaded there was the great number of papists, who are ever ready to throw off the yoke of the English. A little more conduct in king James 2, and a little more assistance from France, would have endangered that kingdom. And, at the time of the queen's death popery was in much the same situation.

Indeed there seemed to be no danger from any foreign power. Holland would not fail to fulfil all engagements: the king himself was powerful: he had on foot a good number of troops, which, without obstacle, could have been embarked in his own dominions. But, after all Lewis 14 was still alive. It could not be doubted, but that it was against his will that he had acknowledged the protestant succession, and promised not to disturb it. He was assuredly in the same sentiments still, and perhaps thought himself more obliged to keep his word with king James, on his death bed, never to forsake his son, than the engagements, the necessity of a peace had forced him into. It may be, what he would not do directly, he might do indirectly; with money, may not troops, arms and ships soon be had? It will be seen in the course of this history, that, without any aid, the English and Scots raised such an insurrection, as caused great disturbances; and what would they have done, had they been assisted, in vain would the king have depended on his own troops; they could not be brought over without the consent of the parliament, and the English are too jealous of their liberty, to suffer any foreign forces, and it is with some sort of regret, that they bear even those of the States.

Such was the situation of the British dominions and of Europe, when king George came to the throne; and therefore it is no wonder, that, upon his arrival in England, his first proceedings expressed a dislike of the Tories and the late ministry, and shewed his attachment to the Whigs. The persons he had named for the regency, were a plain proof what the friends of the late ministry were to expect. He had, even before his arrival, removed the lord Bolingbroke and appointed the lord Townshend secretary of state in his room. The day after his landing at Greenwich, he sent the new secretary to acquaint the duke of Ormond, that he had no longer occasion for his service as captain-general, but would be glad to see him at court.

These changes were followed by many others: the duke of Marlborough was made captain-general of the land-forces, colonel of the first regiment of foot-guards, and master of the ordnance. The lord Cowper was made lord-chancellor, the earl of Wharton privy-seal, and the earl of Sunderland lord-lieutenant of Ireland. The duke of Devonshire was appointed steward of the household in the room of earl Paulet, and Mr. James Stanhope secretary of state in the room of Mr. Bromley, and the duke of Montrose in the room of the earl of Mar. The duke of Somerset was made master of the horse, the duke of St. Albans captain of the band of pensioners, and the duke of Argyle commander in chief of the forces in Scotland. Mr. William Pultney was made secretary of war, and Mr. Robert Walpole receiver and pay-master-general of all the guards and garrisons, and all other forces of Great-Britain, and paymaster to Chelsea hospital, in the room of Mr. Hew and Mr. Moore.

The privy council was dissolved, and a new one declared, of which the earl of Nottingham was president. Out of the privy councellors a cabinet council was formed, consisting chiefly of the lord-chancellor, the duke of Marlborough, the earls of Nottingham, Sunderland, the lords Halifax, Townsend, Sommers, and general Stanhope. All these had distinguished themselves by their professed opposition to the late measures, and the peace.

The governors of places were also most of them changed. General Erle was made governor of Portsmouth. There were as many alterations in Ireland as in England. Before the king's arrival, the behaviour of sir Constantine Phipps had been such, that the regency had removed him, as well as the archbishop of Armagh, from being lords-justices of that kingdom, and in their room appointed the archbishop of Dublin and the earl of Kildare, for which they had the king's letter of approbation and thanks. Alan Broderick was made lord chancellor of Ireland, and William Whitshed chief justice. The privy-council was also dissolved, and another named, of which the duke of Ormond was one.

All these changes were made before the coronation, which was fixed to the 20th of October. The king is by some blamed, for not having joined to the great number of Whigs a few more of the Tories, which they suppose would have prevented the general discontent of that party. But it was very difficult for the king not to do as he did. The inclination which the Pretender had indiscreetly asserted, the queen had for him in the latter years of her life, could be ascribed only to those who had the management of affairs. The ministry, resolutely bent to end the war, notwithstanding the complaints of all the allies (who placed their safety in the humbling of France) and particularly, notwithstanding the repeated opposition of the duke of Hanover, they could not but be sensible, that, if he one day became their master he would not fail to sacrifice them to his own, and the resentment of the allies, whose projects they had disappointed, and whose hopes they had confounded. It was therefore natural to think, they had taken measures to prevent any danger from him. A thousand circumstances supported these conjectures: The dowry paid to king James's queen; the small reward offered for taking the Pretender; the conniving at the listing of men in his service: the suffering the revolution to be publicly talked and preached against, and doctrines to be vented, destructive of the principles on which it was built: the little care to have an eye to Scotland, to redress the grievances complained of by that nation, and which were capable of driving them to extremities: England unprovided of troops as well as Scotland and Ireland, whilst under frivolous pretences several regiments were kept in Flanders; all this amounted to a sort of demonstration, that the queen's death alone had prevented the defeating of the Protestant succession, and the destroying all that had been done for above twenty years to secure and justify the exclusion of king James and his pretended heir. Now can there be to a prince attacked in so important a point, any room for pardon or dissimulation?

Besides there was a kind of necessity to espouse one of the two parties, who had by turns prevailed under king William and queen Anne. By that means he would be freed from the continual trouble of managing and keeping the balance even between them, and perhaps from the danger of having both turn against him. The Whigs were really enemies of France and the Pretender, and could not be otherwise; they had constantly declared for the Protestant succession, and though in some of their proceedings the spirit of party no less appeared than a true zeal, yet they might be depended upon. To the Whigs the court of Hanover was indebted, for obliging the French king and the duke of Lorrain not to suffer the Pretender in their dominions, and for the advices of what was contriving against the interests of the Protestant successor. This being the case, there was no room to deliberate which party to chuse. King William, accustomed from his youth to dissimulation, might have deliberated, or seemed to have done so; but the elector of Hanover, absolute master in his German dominions, and consequently noused to faction and party, was hardly capable of that dissimulation, so requisite in a government like that of England.

Notwithstanding all the changes and the disgrace of so many persons, no ill effects followed. Addresses from the universities, the counties, cities, boroughs and corporations, expressed the public joy and satisfaction at the king's accession, though in a very different stile; for some insinuated that the protestant succession had not been in danger, whilst others spoke of the late ministry in very severe terms, and mentioned the utmost dread of their measures.

The first time the king was present at the privy-council, after he had taken the oath relating to the security of the church of Scotland, he made the following declaration:

"Having in my Answers to addresses of both houses of parliament, fully expressed my resolution to defend the religious and civil rights of all my subjects, there remains very little for me to say upon this occasion.—Yet having been willing to omit no opportunity of giving all possible assurances to a people, who have already deserved so well of me; I take this occasion also to express to you my firm purpose, to do all that is in my power for the supporting and maintaining the churches of England and Scotland, as they are severally by law established; which I am of opinion may be effectually done, without the least impairing the toleration allowed by law to protestant dissenters, so agreeable to christian charity, and so necessary to the trade and riches of this kingdom. The good effects of making property secure are so visible to every body, and to so

great a degree, as in this happy kingdom; and I assure you, that there is not any among you shall more earnestly endeavour the preservation of it than myself."

At the same time the prince royal was declared prince of Wales, and took his seat at the upper end of the board, at the king's right hand. Soon after the treasury was put in commission, and also the admiralty. The commissioners of the treasury were the lord Halifax, sir Richard Onslow chancellor of the exchequer, sir William St. Quintin, Edward Wortley Montague, and Paul Methuen. Those of the admiralty were the earl of Orford, sir George Byng, George Dodington, sir John Jennings sir Charles Turner, Abraham Stanyan, and George Bailie. John Aislabie was made treasurer of the navy, and the earl of Cholmondeley was appointed treasurer, Hugh Boscawen comptroller, and Edmund Dunch master of the king's household. Dr. Samuel Garth was knighted, who had lately published a Latin dedication, which he intended to prefix to an edition of Lucretius three years before: but it was not then thought seasonable.

On the 9th of October, N. S. the two eldest princesses of Great Britain, Anne and Amelia, set out from Hanover, to go by easy journies, to the Hague; the youngest princess Caroline being left at Hanover, on account of a late indisposition. Three days after, the princess of Wales set out for Holland, attended by the countess of Pickleburgh; and, on the 17th, arrived at the Hague, with the two eldest princesses her daughters. The next morning she received the compliments of the states general, by deputies nominated for that purpose; and, the weather being fair, she appeared in the afternoon in the Voorhout, attended by a very numerous train of coaches; and, in the evening, kept a drawing room, at which all the ladies and persons of distinction of that place were present. The next day she received visits from the French ambassador, and other foreign ministers. The earl of Berkeley and Sir John Walter of the green cloth were come thither five days before, having left the squadron of men of war at Helvoet-sluys, with orders for the yachts to come up to Rotterdam. The princess being informed by the earl, that the wind was easterly, on the 20th of October, N. S. she went on board a yacht of the states of Holland, accompanied by the earl of Albemarle, and the rest of the deputies of that province; by the count of Hanau, and the countess, her sister, prince William of Hesse, and the prince of Anhault. The earl of Strafford accompanied her also part of her way to Rotterdam, where being arrived, she embarked on board the Mary yacht, and with the two princesses and their retinue, landed at Margate, October 11, O. S. and the next evening arrived at Rochester. The prince of Wales, having early that day received the news of her arrival, set out about seven o'clock in the morning, accompanied by the dukes of Somerset and Argyle, and the earl of Bridgewater, lord chamberlain to their royal highnesses. The prince met the princess beyond Rochester, where she was attended by the countesses of Dorset and Berkeley, who had been named two of the ladies of the bed-chamber. Their royal highnesses passed through the city of London in a chariot with six horses, followed by another, in which were the two young princesses, and came to St. James's on the 13th of October.

The day appointed for the coronation drawing near, the king, as usual on such occasions, advanced some of the peers to higher titles, and created some new ones. Five days after, the coronation was performed at Westminster with great magnificence. There never was so great an appearance of lords spiritual and temporal as on this occasion, no less than 17 archbishops and bishops, though two sees were then vacant; all the dukes in or about London, except the duke of Buckingham; seventy earls and viscounts, and amongst them the earl of Oxford and viscount Bolingbroke; and as many barons. The demonstrations of joy throughout the kingdom on the coronation-day seemed to be general, and were in proportion as splendid as at London, some few places excepted, where the rabble shewed their hatred to the protestant succession, by riots and outrages. The university of Oxford (who, the day before, had presented to the king by Dr. Gardiner, their vice-chancellor, a book of verses on the death of queen Anne, and the accession of his majesty to the throne) on the coronation-day, conferred unanimously, in a full convocation, the degree of doctor of civil law on sir Constantine Phipps, with all imaginable marks of honour and esteem.

The first affair the king turned his thoughts to was the execution of an article of the treaty of Utrecht, the demolition of Dunkirk; from whence the trade of England and Holland had been greatly incommoded during the late wars. Instead of executing this article, the French king had entirely evaded it; and therefore Mr. Prior, who was still resident at Paris, was ordered to present a Memorial to him, pressing the performance of the 9th article of the treaty of Utrecht. The French king, who had used the distinction of the letter and spirit of treaties to justify his non-compliance with the treaty of partition, adhered to the letter of this, and pretended he had fulfilled it in the utmost extent. His answer was not satisfactory; Prior was recalled, and the earl of Stair sent in his room, who prosecuted the affair with great vigour. The court of France would not yield, and declared in express terms, Mardyke was not Dunkirk, and that the treaty of Utrecht did not deprive the king of the natural right of a sovereign, to make what works he should judge proper for the preservation of his subjects. The truth is, the plenipotentiaries of Great Britain had been too negligent in the affair. In stipulating the demolition of Dunkirk, it was doubtless their intention that another and better harbour should not be made on that coast: but when it should have been so expressed, other-

wise in such articles all advantages will be taken by those on whom they are imposed.

The same fault had been committed in the treaty of commerce with Spain. The advantages obtained in the body of the treaty were all explained away by the separate articles, and the result was, that the British goods and merchandizes paid seven per cent. more than had been paid before. King George applied himself also to redress this grievance. Spain, in imitation of France, adhered to the letter of the treaty, and would not agree that the terms should be explained according to the intentions of the queen's plenipotentiaries; and it was not till after much time and pains that this, and several other difficulties relating to the Assiento contract, were adjusted. So true is it, that a good negotiator is as rare and as useful as a great general.

The Barrier Treaty, which was negociating at Antwerp between the emperor and the States General, and which was of great consequence to the trade of England, drew also the attention of the new king. General Cadogan, intimate friend of the duke of Marlborough, was sent as plenipotentiary.

In the mean time, the behaviour of the jacobite and high church party occasioned the publishing a proclamation for suppressing of riots and tumults. Seditious libels were with great industry dispersed, jealousies infused into weak minds, and the groundless clamour of the danger of the church revived. In November the dukes of Marlborough, Shrewsbury, and Argyle, the earls of Nottingham and Sunderland, the lord Townshend, the marquis de Monteleone the Spanish ambassador, the count de Nostiz, and several other persons of distinction, received, by the mail from France, copies of a paper, printed in English, French and Latin, signed at the top James R. and dated at Plombieres the 29th of August, 1714, N. S. being a kind of manifesto or declaration of the Pretender, asserting his claim to the crown of Great Britain. He says, 'The revolution 'ruined the English monarchy, laid the foun-'dation of a republican government, and de-'volved the sovereign power on the people.' He observes, 'That when he found the treaty 'of peace was upon the point of being con-'cluded without any regard to him, he publish-'ed, in April 1712, his protestation against it.' He then gives the reason of his sitting still for some time past, in these remarkable words: 'Yet, contrary to our expectations, upon the 'death of the princess our sister (of whose good 'intentions towards us, we could not for some 'time past well doubt; and this was the reason 'we then sat still, expecting the good effects 'thereof; which were unfortunately prevented 'by her deplorable death) we found that our 'people, instead of taking this favourable op-'portunity of retrieving the honour and true 'interest of their country, by doing us and 'themselves justice, had immediately proclaim-'ed for their king a foreign prince, to our pre-'judice, contrary to the fundamental and in-'contestable laws of hereditary right, which 'their pretended acts of settlement can never 'abrogate.' The persons who received this declaration, thought it their duty to deliver it into the hands of the secretaries of state; upon which the marquis de Lamberti, the duke of Lorrain's minister, was forbid the court, because such a thing could not be done at Plombieres without the countenance of his master; and the following message was delivered to him by the lord Townshend: "That it was inconsistent with his majesty's honour and dignity, as well as interest, to admit to audience the minister of a prince, who at that very juncture, gave shelter and protection to a Pretender, and an open enemy to his dominions." The marquis transmitted this message to the duke of Lorrain, left London, and went to Oxford to wait his master's answer. This gave just cause of suspicion, that the Pretender and his friends had formed a party in that university to advance his interest, as it afterwards appeared. The marquis having received the duke of Lorrain's answer, dated at Nancy, December the 9th, 1714, N. S. communicated it to the lord Townshend. It was to this effect;

"I believe, Sir, you no ways doubt of my being extremely surprised to hear by the courier, which came from you, that, when you applied to my lord Townshend to obtain an audience, that minister made answer, that since the chevalier de St. George remained still in my dominions, the king thought fit to forbid you the court; in case his majesty should continue in this disagreeable resolution with respect to me, I must submit to his pleasure, and you have nothing else to do, but to return hither as soon as you are able. However, you are first to apply to the duke of Marlborough, and to the king's ministers, desiring them to lay before his majesty the unfortunate situation I am in, if, after having been so ready to let the king know the part I take in his accession to the crown of England, and after having been one of the first to make my compliments, and show my zeal on this occasion, all Europe should be acquainted, that his majesty had some reason to be dissatisfied with me. That I cannot conceive, whence this should proceed, since as to the chevalier de St George, the world knows, by what means he came into this country: that every one is informed of the situation of my territories, which are surrounded and cut through on all sides by France: that it is known how I had no share in his coming into my country: that I neither invited him to come thither, nor could I force him to go away: that lately upon the death of queen Anne, I knew nothing of his leaving Bar, till twelve hours after he was gone from thence; and I knew nothing of his return to Bar, till after he was come back, as a traveller, that goes backwards and forwards in an open country, and intermixed with other territories as mine is. As to the manifesto or declaration dated at Plombieres, which the chevalier de St. George had got printed, I knew nothing more of it, than that

he gave me one after it had been published; but that really I am much concerned to hear from you, that it has been reported, that the same manifestoes have been spread abroad by you, or those of your retinue. I own to you, that I am extremely concerned at this, and that in some sort it seems to be a design to make me uneasy, to give out, that either I or my servants meddled in such an affair.

"These are the reasons, which I have to offer, and which I would have you desire those gentlemen to lay before the king, in hopes they will convince his majesty of my most respectful adherence to him, and that his majesty will be pleased to admit you to an audience.

"But, if contrary to my expectation, the king will not grant you an audience, you are to come away, having desired the ministers to let the king know the concern I am under; and that I hope his majesty will please to accept of my good intentions, and the early care I took to shew him the inviolable zeal I have for him."

When the marquis communicated this letter to the king's ministers, he, at the same time, expressed his master's "deep concern at this unlucky affair, which obstructed the friendship and good understanding he had so early sought with his Britannic majesty, for whom he ever entertained the highest esteem and veneration." And he likewise expressed his own particular concern, and the great mortification it was to him, not to be admitted to a court which he had so great a desire to be made known to. He was answered, "That it was out out of any prejudice to his person, nor even to the person of his master, for whom the king had a great esteem. But, that, as affairs stood at present, though his excuses were, in some measure, allowable, yet his majesty was the best judge of what was consistent with his own honour and dignity; and, as his majesty was likewise sensible of the duke's readiness to seek and cultivate a friendship with his majesty, so the king wished, that the causes, which obstructed the same at present, might be speedily removed." The marquis finding by this answer, that his majesty insisted on the removal of the Pretender from the dominions of Lorrain, before he would admit him to an audience, took his leave of the lord Townshend, and, on the 13th of December, set out on his return home. In answer to that part of the duke of Lorrain's letter, wherein he alledges, "That his territories are surrounded and cut through on all sides by France; that he neither invited the chevalier de St. George thither, nor could force him to go away," a paper transmitted hither by Mr. Prior, and delivered to him by the marquis de Torcy, was said to be produced to the marquis, whereby his most christian majesty declared, "That he neither did, nor would in any manner concern himself with the chevalier de St. George;" which declaration was directly contrary to the duke of Lorrain's allegation.

When the Pretender's declaration came first into England, and was published in the foreign prints, the Jacobites and Tories insisted upon its being a contrivance of the Whigs, to reflect on the memory of the queen, and to fix an odium upon the high church-party, because in that declaration he said "That for some time past he could not well doubt of his sister's good intentions towards him." But they were much confounded by the duke of Lorrain's letter, which owned the declaration to be genuine, and that the Pretender himself had given him one of them.

About the latter end of November, the king advanced the salaries of the chief justice of the king's-bench, and of the chief barons of the exchequer, to the same sum, as was allowed the chief justice of the common pleas, being 2,000*l* a year, and the salaries of the other puisne judges to 1,500*l* a year.

About this time Addresses were set on foot in Scotland, for dissolving the union; and it was also proposed, that none should be elected members of parliament there, but such as would promise to use their endeavours for that purpose. Many well-meaning people seemed at first inclinable to fall in with those measures; but when they found, that the Jacobites were the most zealous in pushing this affair, in order to raise animosities and discord betwixt the two nations, they refused to concur, and referred their grievances by the union to be considered, when the nation should be better settled. But there was a quite different spirit among the high-church party in England, who excited riots and tumults in many parts of the kingdom, to which they had been encouraged by the Pretender's declaration. To prevent these disorders, a proclamation was published on the 6th of December.

On the 5th of January, 1715, a Proclamation was published for dissolving the parliament, and, on the 15th, another was issued for calling a new one, in the following terms. "It having pleased Almighty God, by most remarkable steps of his providence, to bring us safe, to the crown of this kingdom, notwithstanding the designs of evil men, who shewed themselves disaffected to our succession, and who have since, with the utmost degree of malice, misrepresented our firm resolutions and uniform endeavours to preserve and defend our most excellent constitution both in church and state, and attempted, by many false suggestions, to render us suspected to our people; we cannot omit, on this occasion of first summoning our parliament of Great Britain, in justice to ourselves, and that the miscarriages of others may not be imputed to us, at a time, when false impressions may do the greatest and irrecoverable hurt, before they can be cleared up, to signify to our whole kingdom, that we were very much concerned, at our accession to the crown, to find the public affairs of our kingdom under the greatest difficulties, as well in respect of our trade, and interruption of our navigation, as of the great debts of our nation, which, we were surprised to observe, had been very much increased since the conclusion of the last war. We do not therefore doubt, that, of the ensuing

electians should be made by our loving subjects with that safety and freedom, which by law they are entitled to, and we are firmly resolved to maintain to them, they will send up to parliament the fittest persons to redress the present disorders, and to provide for the peace and happiness of our kingdom, and the ease of our people for the future; and therein will have a particular regard to such as shawed a firmness to the protestant succession, when it was in danger."

The late ministry, foreseeing they should be called to an account for their conduct, had frequent consultations how to avoid the storm; and soon after a traiterous libel was published, under the title of, "English Advice to the Free-"holders of Great Britain." Nothing could be more full of malice and falsehood against the king's person and family; as well as against the Whigs in general, and the present ministry; and it was artfully contrived to raise discontents among the people against the government, and to possess them with an opinion, that the church was in danger by his majesty's administration. It was carefully dispersed through the country, and great numbers of them were intercepted in the city of Exeter. Upon which the government issued out a proclamation, promising a reward of 1,000*l.* for the discovery of the author of the libel, and 500*l.* for the discovery of the printer. But to no purpose.

The same day, the mismanagement of the late ministry, with regard to Chelsea-college, was made public by order of the privy-council; upon which, the government of that hospital was changed, and brigedier Stanwick appointed governor.

The earl of Strafford being returned to England, an order of council was issued, that the lord Townsend and Mr. Stanhope, secretaries of state, should go to him, and demand the original instructions and orders, and all letters he had received from the late ministry, or any foreign prince or minister, and copies of all instructions, of which he had not the originals; and also all letters writ by him to any person whatsoever, relating to his negotiations, from the time of his first being at the Hague. The earl delivered them two trunks, which he said, contained what they desired; and orders were sent to seal up his papers, that were on ship-board, or at the custom-house.

Mr Prior, who had been deep in the measures of the late ministry, was now ordered home, the earl of Stair being arrived at Paris, where he had several conferences with the marquis de Torcy, and presented memorials about the canal and intended port at Mardyke, and signified to the court of France, that he had orders not to take any character upon him, till he had a clear and positive answer to the memorials.

The elections for the new parliament were now carrying on with great warmth by both parties, but with most success on the side of the Whigs. The electors in some counties and cities drew up instructions for their representatives, the most remarkable of which were those of the city of London, wherein was this passage; "We desire and expect, that you will inquire by whose counsel it was, that, after God had blessed the arms of her late majesty, and her allies, with a train of unparalleled successes, she was prevailed upon, contrary to the grand alliance, and her repeated promises from the throne to both houses, to send to, or receive managers from France, to treat separately of a peace, without the knowledge and consent of our allies."

In Scotland the Tories published a circular letter, to dissuade the Scotch lords from voting for the Whigs, or, as they pretended, for the sixteen peers, of whom the duke of Argyle had brought a list from England. But this letter made little impression, and the following peers were elected, the dukes of Roxburgh and Montrose; the marquisses of Tweedale, Lothian, and Annandale; the earls of Sutherland, Rothes, Buchan, Loudon, Orkney, Stair, Bute, Deloraine and Ilay; and the lords Ross and Belhaven. All these lords were distinguished by their attachment to the revolution, and had contributed to the union to the utmost of their power. The marquis of Annandale, of the antient family of Johnstoun, had openly declared for king William, though, shortly after indeed, he declared for king James. But he repented of that step, and for his faithful services was employed in places of trust. The marquis of Lothian was a great promoter of the revolution. He had, in the reign of king James 2, married a daughter of the earl of Argyle, beheaded by that prince, purely out of a principle of honour, and, to shew his regard for a family unjustly persecuted, a certain proof that he would not favour the designs of the Pretender. The earl of Sutherland, known at the time of the revolution by the name of the lord Strathnaver, was constantly attached to king William, and had followed him in all his campaigns in Flanders, at the head of a regiment. He had appeared very zealous for the privileges of the Scots; and did not think the union detrimental thereto. The earl of Stair was already employed by the new government as well as the dukes of Montrose and Roxburgh, and their attachment to it was not doubted. The only one that seemed exceptionable in the list was the lord Belhaven. No man had so strenuously opposed the union, and, had his advice been followed, it would never have taken place. But, finding at length all opposition in vain, he gave way to the torrent. There was one thing capable of making amends for all his non compliances, and that was his singly opposing, in the presence of the duke of York, the act of succession passed by a majority of voices in favour of that prince. He was also a good speaker, which will be always a great recommendation.

The elections for the House of Commons were made with almost equal success, and the Whigs had the majority. Thus all seemed quiet in Scotland, though a storm was then gathering

there, which broke out in less than a year The design was conducted more regularly than in England, and was better concealed. It was begun with endeavours for a remonstrance against the union, and the advice of the most famous lawyers were asked upon it, who declared the act of union contained several nullities, and to be very defective. The opposite party, to prevent a remonstrance so disagreeable to the court, were forced to consent there should be no address of congratulation, and that, presented by the Kirk, had suffered great debates about the manner in which king William was mentioned, and had passed with much difficulty. The Highlanders were silent, and declared not themselves. It was only known, that they were making provision of powder and ball.

FIRST SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

Meeting of the New Parliament.] March 17, 1715. This day the New Parliament met at Westminster. His majesty, being seated on his royal throne, adorned with his crown and regal ornaments, and attended with his officers of state, the prince of Wales sitting in his place, and the lords in their robes, commanded the gentleman usher of the black rod to let the Commons know, "It is his majesty's pleasure, they attend him immediately, in the House of Peers" Who being come, the Lord Chancellor, receiving directions from his majesty, said,

"My lords, and gentlemen; I am commanded by his majesty to acquaint you, that his majesty does not intend to declare the causes of calling this parliament till there be a Speaker of the House of Commons. And therefore you, the gentlemen of the House of Commons, are to repair to the place where the Commons usually sit, and there proceed to the election of a fit person to be your Speaker; whom you are to present to his majesty here, for his royal approbation, on Monday next, at twelve of the clock"

List of the House of Peers.] The following is a List of the House of Peers at the opening of the New Parliament.

An exact List of the Lords Spiritual and Temporal, summoned to meet at Westminster, on the 17th of March, 1715, being the First Parliament of King George the First, and the Fifth Parliament of Great Britain

Those marked thus were then under age.*

His royal highness George Augustus, prince of Wales, &c.
William Cowper, lord Cowper, lord high chancellor of Great Britain.
Daniel Finch, earl of Nottingham, lord president of the council
Thomas Wharton, earl of Wharton, lord privy seal.
William Cavendish, duke of Devonshire, lord steward of the king's household.
Charles Talbot, duke of Shrewsbury, lord chamberlain of the king's household.

Dukes.

Thomas Howard, duke of Norfolk, earl Marshal and hereditary marshal of England
Charles Seymour, duke of Somerset, master of the horse.
Charles Fitz-Roy, duke of Cleveland and Southampton.
Charles Lenos, duke of Richmond.
Charles Fitz-Roy, duke of Grafton.
James Butler, duke of Ormond.
* Henry Somerset, duke of Beaufort.
George Fitz-Roy, duke of Northumberland.
Charles Beauclair, duke of St Albans, captain of the band of gentlemen pensioners.
Charles Pawlet, duke of Bolton.
Meinhard Schonberg, duke of Schonberg.
Peregrine Osborne, duke of Leeds
* Wriothesly Russel, duke of Bedford.
J. Churchill, d of Marlborough, captain general.
John Sheffield, duke of Buckinghamshire and Normanby.
John Manners, duke of Rutland
John Montagu, duke of Montagu.
* James Hamilton, d of Hamilton and Brandon.
* Charles Douglas, duke of Queensbury and Dover.
Henry de Grey, duke of Kent.

Marquisses.

Robert Bertie, marquis of Lindsey, lord great chamberlain of England.
Evelyn Pierpont, marquis of Dorchester.

Earls.

James Stanley, earl of Derby.
* Theophilus Hastings, earl of Huntingdon.
Thomas Herbert, earl of Pembroke and Montgomery
Henry Clinton, earl of Lincoln.
Henry Howard, earl of Suffolk and Bindoo, deputy earl-marshal
Lionel Cranfield Sackville, earl of Dorset and Middlesex, lord warden of the Cinque Ports.
James Cecil, earl of Salisbury.
John Cecil, earl of Exeter.
Scroop Egerton, earl of Bridgwater, chamberlain to the prince
John Sidney, earl of Leicester.
George Compton, earl of Northampton, constable of the Tower of London.
* Edward Henry Rich, earl of Warwick and Holland
Basil Fielding, earl of Denbigh.
Thomas Fane, earl of Westmoreland.
Charles Mountagu, earl of Manchester.
Henry Bowes Howard, earl of Berks.
John Savage, earl Rivers.
Charles Mordaunt, earl of Petarborough and Monmouth.
Thomas Grey, earl of Stamford.
Heneage Finch, earl of Winchelsea.
Philip Stanhope, earl of Chesterfield.

Thomas Tufton, earl of Thanet.
Charles Spencer, earl of Sunderland, ld. lieutenant of Ireland.
Nicholas Leak, earl of Scarsdale.
Edward Mountagu, earl of Sandwich.
Edward Hyde, earl of Clarendon.
* William Capel, earl of Essex.
George Brudenel, earl of Cardigan.
Arthur Annesly, earl of Anglesea.
Charles Howard, earl of Carlisle.
Thomas Bruce, earl of Ailesbury.
* Richard Boyle, earl of Burlington.
* Anthony-Ashley Cooper, earl of Shaftesbory.
Edward Henry Lee, earl of Lichfield.
Thomas Lennard, earl of Sussex.
Charles-Bodvile Roberts, earl of Radnor, treasurer of the chamber.
William Paston, earl of Yarmouth.
James Berkeley, earl of Berkeley.
Henry Hyde, earl of Rochester.
Montagu-Venables Bertie, earl of Abingdon.
* Baptist Noel, earl of Gainsborough.
Robert Darcey, earl of Holderness.
Other Windsor Hickman, earl of Plymouth.
James Ratchff, earl of Derwentwater.
Henry Stafford Howard, earl of Stafford.
Henry Bentinck, earl of Portland.
Arthur Herbert, earl of Torrington.
Richard Lumley, earl of Scarborough.
George Booth, earl of Warrington.
Richard Newport, earl of Bradford.
Frederick Zofestein de Nassau, e. of Rochford.
Arnold Joost van Kepel, earl of Albemarle.
Gilbert Coventry, earl of Coventry.
Edward Russel, earl of Orford, first commissioner of the admiralty.
William Villiers, earl of Jersey.
Henry D' Auverquerque, earl of Grantham.
John Campbell, earl of Greenwich (and d. of Argyle) general of the forces in Scotland.
John Poulet, earl Poulet.
Francis Godolphin, earl of Godolphin, cofferer to the king.
Hugh Cholmondeley, earl of Cholmondeley, treasurer of the hooshold.
Robert Harley, earl of Oxford and e. Mortimer.
Robert Shirley, earl Ferrers.
Thomas Wentworth, earl of Strafford.
William Legg, earl of Dartmouth.
James Brydges, earl of Caernarvon.
Lewis Watson, earl of Rockingham.
Charles Beonet, earl of Tankerville.
Charles Mountagu, earl of Halifax, firs commissioner of the treasury.
Heneage Finch, earl of Aylasford, chancellor of the duchy of Lancaster.
John Hervey, earl of Bristol.
Thomas Pelham, earl of Clare.
Henry Paget, earl of Uxbridge, capt. of the yeomen of the guard.

Viscounts.

Charles Townsend, viscount Townsend, secretary of state.
Price Devereux, visc Hereford.
Henry Brown, visc. Montacute.
Lawrence Fiennes, visc. Say and Sele.
Thomas Bellasyse, visc Falconberg.
* Thomas Thynne, vic. Weymouth.
William Hatton, visc. Hatton.
* Talbot Yelverton, visc. Looqueville.
* Henry Lowther, visc. Lonsdale.
Henry St. John, visc Bolingbroke.
Henry Obrian, visc. Tadcaster (earl of Thomond in Ireland.)

Barons.

George Nevil, lord Abergavenny.
James Touchet, ld. Audley (earl of Castlehaven in Ireland.)
John West, ld. De la War.
Charles Mildmay, ld. Fitzwalter.
Edward Ward, ld. Dodley and Ward.
Edward Stourton, ld. Stourton.
Dr. George Verney, ld. Willoughby of Broke.
Charles Willoughby, ld Willoughby of Parham.
Thomas Howard, ld. Howard of Effingham.
William North, ld. North, and ld. Grey of Rolleston.
William Ferdinand Carey, ld. Hunsdon.
William St. John, ld. St John of Bletsho.
James Compton, ld. Compton.
* Robert Petre, ld. Petre.
Henry Arundel, ld Arundel of Wardour.
Richard Lumley, lord Lumley
Charles Dormer, lord Dormer
Henry Roper, lord Tenham
* William Greville, lord Brooke
* Nevil Lovelace, lord Lovelace
Baoiste Maynard, lord Maynard
Charles Howard, lord Howard of Escrick
Charles Bruce, lord Bruce
Edward Leigh, lord Leigh
William Byron, lord Byron
William Widdrington, lord Widdrington
John Colepeper, ld Colepeper
Peregrine Bertie, ld. Willoughby of Eresby
Robert Sutton, lord Lexington
Marmaduke Laogdale, lord Langdale
William Berkeley, lord Berkeley of Stratton, first commissioner of trade
Charles Cornwallis, lord Cornwallis
John Arundel, lord Arundel of Trerice
* William Craven, lord Craven
Hugh Clifford, lord Clifford of Chudleigh
Peregrine Hyde Osborne, lord Osborne
John Carteret, lord Carteret
William Stawell, lord Stawell
Francis North, lord Guilford
James Waldgrava, lord Waldgrave
John Ashburnham, lord Ashburnham
Thomas Farmer, lord Leomister
Charles Butler, lord Butler of Weston, (earl of Arran in Ireland.)
Henry Herbert, lord Herbert of Cherbory
Maurice Thompson, lord Haversham
John Somers, lord Somers
Christopher Vane, lord Barnard
* John Leveson Gower, lord Gower
Francis Seymour Cooway, lord Conway
Simon Harcourt, lord Harcourt
C. Boyle, ld. Boyle, (s. of Orrery in Ireland)
George Hay, lord Hay (earl of Kinnoul, in Scotland)

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Thomas Windsor, lord Mountjoy (viscount Windsor in Ireland)
Thomas Mansel, lord Mansel
Thomas Willoughby, lord Middleton
Thomas Trevor, lord Trevor
George Granville, lord Lansdowne
Samuel Masham, lord Masham
Thomas Foley, lord Foley
Allen Bathurst, lord Bathurst
Robert Benson, lord Bingley
James Saunderson, lord Saunderson, (viscount Castleton of Ireland.)
Bennet Sherrard, lord Harborough
Gervase Pierepoint, lord Pierepoint
Henry Boyle, lord Carleton
Richard Temple, lord Cobham

Archbishops and Bishops.

Dr. Thomas Tennison, abp. of Canterbury
Sir William Dawes, bart abp. of York.
Dr. John Robinson, bishop of London
Dr. Nathaniel Crew, bishop of Durham, and lord Crew
Sir John Trelawney, bart bp. of Winchester
Dr. William Lloyd, bishop of Worcester
Dr. Gilbert Burnet, bishop of Sarum
Dr. John Hough, bp. of Lichfield and Coventry
Dr. Richard Cumberland, bp. of Peterborough
Dr. William Talbot, bp. of Oxford
Dr. John Evans, bishop of Bangor
Dr. William Nicholson, bp. of Carlisle
Dr. George Hooper, bishop of Bath and Wells
Dr. William Wake, bishop of Lincoln
Dr. John Tyler, bishop of Llandaff
Dr. Offspring Blackall, bishop of Exeter
Dr. Charles Trimnel, bishop of Norwich
Dr. William Fleetwood, bp. of Ely
Dr. Thomas Manningham, bp. of Chichester
Dr. Philip Bisse, bishop of Hereford
Dr. Adam Ottley, bp. of St. David's
Dr. Francis Atterbury, bp. of Rochester
Dr. George Smalridge, bp. of Bristol, lord almoner to the king.
Dr. Francis Gastrel, bp. of Chester
Dr. Richard Willis, bp of Gloucester
Dr. John Wynn, bishop of St. Asaph.

The Sixteen Peers of Scotland.

James Graham, duke of Montrose, sec. of state, p. c.
John Ker, duke of Roxburgh, lord privy seal of Scotland, p. c.
John Hay, marquis of Tweedale
William Ker, marquis of Lothian
William Johnston, marquis of Annandale, lord chancellor of Scotland, p. c.
John Dalrymple, earl of Stair, p. c.
Archibald Campbell, earl of Ilay, lord register of Scotland, p. c.
David Erskine, earl of Buchan
James Stewart, earl of Bute
John Lesley, earl of Rothes, lord admiral of Scotland
John Sutherland, earl of Sutherland
William Ross, lord Ross
John Hamilton, lord Belhaven, gent. of the bedchamber to the prince of Wales
Henry Scot, earl of Deloraine
* George Hamilton, earl of Orkney, gent. of the bed chamber in extraordinary to his majesty
* Hugh Campbell earl of London

List of the House of Commons.] The List of the members of the House of Commons was as follows:

A List of the House of Commons in the Fifth Parliament of Great Britain, which met March 17, 1715.

Bedfordshire.
William Hillersden,
John Cater.
Bedford.
William Farrer,
John Thurlos Brace.
Berkshire
Sir John Stonehouse,
Robert Packer,
New Windsor.
Sir Henry Ashurst,
Samuel Travers.
Reading.
Hon. Charles Cadogan,
Richard Thompson.
Wallingford.
William Hucks,
Henry Grey Neville.
Abingdon.
James Jennings.
Bucks.
John Fleetwood,
Richard Hampden.
Buckingham.
Alexander Denton,
Edmund Halsey.
Chipping-Wicomb.
Sir Thomas Lee,
John Neale.
Aylesbury.
Sir Nathaniel Mead,
Trevor Hill, visc. Hillsborough.
Agmondesham
M. Gerrard Drake,
Hon. Ralph Verney.
Wendover.
Sir Roger Hill,
Richard Grenville.
Great Marlow.
George Bruere,
H. Petty, d. Shelburne.
Cambridgeshire.
Sir Robert Clark,
Sir Francis Whichcot.
Univ of Cambridge.
Hon. Dixie Windsor,
Hon. T. Willoughby.
Town of Cambridge.
Sir John H. Cotton,
Samuel Shephard.
Cheshire.
Sir George Warburton,
Hon. Langham Booth.
Chester.
Sir Henry Bunbury,
Sir R. Grosvenor.
Cornwall.
Sir William Carew,
John Trevanion.
Launceston.
John Anstis,
Alexander Pendarves,
Lesherd.
Philip Rashleigh,
Sir John Trelawney.
Lestwithiel.
John Newnham,
W. Cavendish, marquis of Hartington.
Truro.
Spencer Cowper,
Thomas Wyndham.
Bodmin.
John Leigh,
C. Beneclere, Earl of Burford.
Helston.
Sir Gilbert Henthcot,
Sidney Godolphin.
Saltash.
Shilston Calmady,
John Francis Buller.
Camelford.
Richard Coffin,
James Montagne.
West Looe.
Thomas Maynard,
George Delaval.
Grampound.
Hon. John West,
Richard West.
East Looe.
John Smith,
Horatio Walpole.
Penryn.
Samuel Trefusis,
W. Godolphin, Visc. Rialton.
Tregony.
Charles Talbot,
John Morl.
Bossiney.
Samuel Molineux,
Henry Cartwright.
St. Ives.
Lord Harry Paulet,
Sir John Hobart.

Fowey.
Jonathan Elford,
Nicholas Vincent.
St. Germains.
John Knight,
Philip lord Stanhope.
St. Michael.
Nathaniel Blakiston,
R. Molesworth, visct. Molesworth.
Newport.
Sir Nicholas Morrice,
Humphrey Morrice.
St. Mawes.
William Lowndes,
John Chetwynd.
Kellington
Sir John Coryton,
Thomas Coppleston.

CUMBERLAND.

James Lowther,
Gilfrid Lawson.
Carlisle.
William Strickland,
Henry Aglionby.
Cockermouth.
Sir Thomas Pengelly,
Anthony Lowther.

DERBYSHIRE.

Sir John Curzon,
Godfrey Clarke.
Derby.
Lord J. Cavendish,
Hon. W. Stanhope.

DEVONSHIRE.

Sir W. Courtenay,
Sir C. W Bampfield.
Exeter.
John Bampfield,
Francis Drew.
Totness.
Stephen Northleigh,
Charles Willis.
Plymouth.
Sir John Rogers,
Hon Pattie Bng.
Oakhampton.
W Northmore, jun.
Christopher Harris.
Barnstable.
John Rolle,
Sir Hugh Acklund.
Plympton.
Richard Edgcomb,
George Treby.
Honiton.
William Yonge,
Sir William Pole.
Tavistock.
Sir John Cope,
Sir Francis H. Drake.
Ashburton.
Roger Tuckfield,
Richard Reynell.
Clifton. Dartmouth, Hardness.
John Foundes, jun.
Joseph Hearne.
Bercalston.
Laurence Carter,
St. John Brodrick.
Tiverton
Sir Edward Northey,
Thomas Bere.

DORSETSHIRE.

Thomas Strangeways,
George Chaffin.
Poole.
Sir William Lewen,
George Trenchard.
Dorchester.
Sir Nathaniel Napier,
Abraham Janssen.
Lyme-Regis.
John Henly,
John Burridge, jun.
Weymouth.
Daniel Harvey,
Edward Harrison.
Melcombe Regis.
William Betts,
Thomas Littleton.
Bridport.
Sir Dewy Bulkeley,
Peter Walter.
Shaftesbury
Edward Nicholas,
Sir E. Desbouverie.
Wareham.
Henry Drax,
George Pitt, jun.
Corfe-Castle.
Dennis Bond,
John Bond.

DURHAM, *County.*

Sir John Eden,
John Hedworth.
Durham.
Thomas Conyers,
George Baker.

ESSEX.

Sir R Child, visc. Castlemain,
Robert Honywood.
Colchester.
Sir Isaac Rebow,
Richard Ducane.
Malden.
Thomas Bramston,
Samuel Tuffnel.
Harwich.
Thomas Heath,
Sir Philip Parker.

GLOUCESTERSHIRE.

Hon. Henry Berkeley,
Edmond Bray.
Gloucester.
John Snell,
Charles Cox.
Cirencester.
Thomas Masters,
Benjamin Bathurst.
Tewksbury
William Dowdeswell,
T. Gage, visc. Gage.

HEREFORDSHIRE.

Richard Hopton,
Sir Thomas Morgan,
Sir H. Hoskins.
Hereford.
Thomas Foley,
J. Scudamore, visc. Scudamore,
H. R. Westfaling.
Leominster.
Edward Harley,
William Bateman.
Weobly.
Nicholas Philpot,
John Birch.

HERTFORDSHIRE.

Sir J. H. Sebright,
Ralph Freeman.
St. Albans.
W. Grimstone, visc. Grimstone,
Joshua Lomax.
Hertford.
Sir Thomas Clerke,
John Boteler.

HUNTINGDONSHIRE.

Robert Pigot,
John Bigg.
Huntingdon.
Hon S W. Montagu,
E ld. Hinchingbroke.

KENT

William Delanne,
Hon. John Pane.
Canterbury.
John Hardress,
Sir Thomas Hales.
Rochester.
Sir Thomas Palmer,
Sir John Jennings.
Maidstone.
Sir T. Colepeper,
Sir Barnham Rider.
Queenborough.
Col. Tho. King,
Philip Jennings.

LANCASHIRE.

Sir John Bland,
Richard Shuttleworth.
Preston
Henry Fleetwood,
Sir Henry Houghton.
Lancaster.
Doddington Braddyl,
William Heysham
Newton
Sir Francis Leicester,
William Shippen.
Wigan
Sir Roger Bradshaigh,
James Barry, earl of Barrymore.
Clithero.
Thomas Lister,
Edward Harvey.
Liverpool.
Sir Thomas Johnson,
Edward Norris.

LEICESTERSHIRE.

Sir Jeffery Palmer,
Lord W. Manners.
Leicester
Sir George Beaumont,
Thomas Noble.

LINCOLNSHIRE.

Sir J. Brownlow, visc. Tyrconnel,
Sir W. Massingbeard.
Lincoln.
Sir John Tirwit,
Richard Grantham.
Boston.
Henry Heron,
Richard Ellis.
Great Grimsby.
Joseph Banks,
Sir Robert Chaplin,
Arthur Moor.
Stamford.
Hon. Charles Cecil,
Hon. Charles Bertie.
Grantham.
Edward Rolt,
John Heathcote.

MIDDLESEX.

Hon. James Bertie,
Hugh Smithson
Westminster.
Sir Thomas Cross,
Hon. E. W. Montagu.
London.
Sir John Ward,
Sir Thomas Scawen,
Peter Godfrey,
Robert Heysham.

MONMOUTHSHIRE.

Thomas Lewis,
John Hanbury.
Monmouth.
Hon. A. Windsor.

NORFOLK.

Sir Jacob Astley,
Thomas de Grey.
Norwich.
Waller Bacon,
Robert Britiffe.
Lynn-Regis.
Sir Charles Turner,
Robert Walpole.
Great Yarmouth.
George England,
Hon H. Townsend.
Thetford.
John Ward,
Dudley North.
Castle-rising.
Hon. W. Fielding,
Col. C. Churchill.

NORTHAMPTONSHIRE.

Sir Justinian Isham,
Thomas Cartwright,

City of Peterborough.
J. Fitz-Williams, earl Fitz-Williams,
Charles Parker.
Town of Northampton.
William Wykes,
G. Montagae, earl of Halifax,
William Wilmot.
Brackley.
Hon. W. Egerton,
Paul Mathuen.
Higham Ferrers.
Hon. Charles Leigh,

NORTHUMBERLAND.

Algernoon Seymour, earl of Hertford.
P. Blake Delaval.
Newcastle upon Tyne.
Sir William Blacket,
William Wrightson.
Morpeth.
Henry Howard, visc. Morpeth,
George Carpenter.
Berwick upon Tweed.
Grey Neville,
J. Barrington Schute, visc. Barrington.

NOTTINGHAMSHIRE.

Hon F. Willoughby,
William Levinz.
Nottingham.
John Plumtre,
George Gregory.
East Retford.
John Digby,
Thomas White.
Newark upon Trent.
Richard Sutton,
Hon. Conyers Darcy.

OXON.

Sir R. B Jenkinson,
Henry Perrot.
University of Oxford.
William Bromley,
George Clarke, LL. D.
Oxford
Sir John Walter,
Thomas Rowney.
Woodstock.
William Clayton,
Thomas Crisp.
Banbury
Sir Jonathan Cope.

RUTLANDSHIRE.

Daniel, ld. Finch,
Sir T. Mackworth.

SALOP.

Sir Robert Corbet.
Salop.
Corbet Kynaston,
Andrew Corbet.
Bridgnorth.
William Whitmore,
John Weaver.
Ludlow.
Humphrey Walcot,
Sir Robert Raymond.
Great Wenlock.
William Forrester,
Sir Humphrey Briggs.
Bishop's Castle.
Charles Mason,
Sir Matthew Decker.

SOMERSETSHIRE.

Sir W. Wyndham,
William Hellier.
Bruscl.
Joseph Earle,
Sir William Daines.
Bath.
John Codrington,
Robert Gay.
Wells.
William Piers,
Thomas Edwards.
Taunton.
Sir William Pinsent,
James Smith.
Bridgwater.
Thomas Palmer,
William Pitt.
Minehead.
Sir John Trevelyan,
Hon Robert Mansel.
Ilchester.
William Bellamy,
John Hopkins.
Milbourn Port.
James Medlicot,
Charles Stanhope.

SOUTHAMPTON.

George Pitt,
Lord Nassau Paulet.
Winchester.
George Bridges,
Lord William Paulet.
Southampton.
Richard Fleming,
Thomas Lewis.
Portsmouth.
Sir Edward Earnly,
Sir Charles Wager.
Yarmouth.
Anthony Morgan,
Sir Theodora Janssen,
William Plumer
Petersfield.
Norton Paulett,
S. Pargiter Fuller.
Newport.
William Stephens,
Thomas Stanwix.
Stockbridge.
Thomas Broderick,
Col. Martin Bladen.
Newtown.
James Worsley,
Sir Robert Worsley.
Christ-Church.
Sir Peter Mews,
Francis Gwyn.
Lymington.
Richard Chandler,
Sir Joseph Jekyll.
Whitechurch.
Lt. Gen. G Carpenter,
John Conduit.
Andover.
William Guidott,
Hon. James Brudenel.

STAFFORDSHIRE.

Henry lord Paget,
Hon. W L Gower.
Litchfield.
Samual Hill,
Walter Chetwynd.
Stafford
Wal. Chetwynd, visc Chetwynd.
William Chetwynd
Newcastle under Line.
Sir Bryan Broughton,
Crew Offly.
Tamworth.
Samuel Bracebridge,
William Ing.

SUFFOLK.

Sir Thomas Hanmer,
Sir Robert Davers.
Ipswich.
Sir W. Thompson,
Francis Negus.
Dunwich.
Sir Robert Rich,
Col. Charles Long.
Orford.
Clement Corrance,
Sir Richard Duke.
Aldborough,
Samuel Low,
Walter Plumer.
Sudbury.
Sir Harvey Elwes,
Thomas Western.
Eye.
Edward Hopkins,
Thomas Smith.
St. Edmundsbury.
Carr, Lord Hervey,
James Reynolds.

SURRY.

John Walter,
Sir William Scawen.
Southwark.
John Lade,
Sir Fisher Tench.
Bletchingly.
George Evelyn,
William Clayton.
Ryegate.
James Cocks,
Thomas Jordan.
Guilford
Morgan Randyl,
Arthur Onslow.
Gatton.
William Newland,
Paul Docminique.
Haslemere.
Sir Nicholas Carew.
Sir Montagua Blundel.

SUSSEX.

Hon. Spencer Compton, Speaker.
James Butler.
Chichester.
Sir Thomas Miller,
Henry Kalsel.
Horsham
Arthur Ingram,
Charles Eversfield.
Midhurst.
Alan visc. Broderick,
Sir Richard Mills.
Lewes.
Thomas Pelham,
Sir Philip York.
New-Shoreham.
Sir Nathaniel Gould,
Francis Chamberlain.
Bramber.
Sir Richard Gough,
Edward Mansbul.
Steyning.
Maj. Gen. J Pepper,
William Wallis.
East-Grinstead.
John Conyers,
R. Boyle, vis. Shannon.
Arundel.
Hon. Henry Lumley,
Joseph Micklethwait.

WARWICKSHIRE.

Andrew Archer,
William Peyton.
Coventry.
Sir Thomas Samwel.
Sir Adolphus Oughton.
Warwick.
Hon. D Grevil,
William Colemore, jun.

WESTMORELAND.

Hon. James Grahme,
Daniel Wilson.
Appleby.
Sir Richard Sandford,
Thomas Lutwyche.

WILTSHIRE.

Sir Richard How,
Robert Hide
New Sarum.
Edward Lambert,
Andrew Duncomb.
Wilton.
John London,
Thomas Pitt.
Downton.
Charles Longueville,
Gyles Eyre.
Hindon.
George Wade,
John Pitt,
Heytesbury.
Edward Ash,
William Ash.

Westbury.
G. Evans Jd Carburry,
Charles Allanson.
Calne.
Sir Orlando Bridgman,
Richard Chiswell.
Devizes.
Josiah Diston,
Benj. Haskin Styles.
Chippenham.
Sir John Eyles,
Giles Erle.
Malmesbury.
Sir John Rushout,
Joseph Addison,
Fleetwood Dormer.
Cricklade.
Sir Thomas Read,
Jacob Sawbridge,
Hon. M. D. Moreton.
Bedwin
Stephen Biss,
William Sloper.
Ludgershall.
Lt. gen. J. R. Webb,
John Ivory Talbot.
Old Sarum.
Sir Willm. Strickland,
Robert Pitt.
Wotton Basset.
Sir James Long,
William Northey.
Marlborough.
Sir Willm Humphreye,
Gabriel Roberts.
WORCESTERSHIRE.
Sir John Packington,
Sir Thomas Littleton.
Worcester.
Thomas Wylde,
Samuel Swift,
Samuel Sandye.
Droitwich.
Richard Foley,
Ed. W. Jeffreys.
Evesham.
John Rudge,
John Deacle.
Bewdley.
Grey James Grove.
YORKSHIRE.
H. Dawney, visc. Down,
Sir Arthur Kay.
York.
Sir William Robinson,
Tobias Junkins.
Kingston upon Hull.
Sir W. St Quinton,
Nathaniel Rogers.
Knaresborough.
Robert Hitch,
Hon. Rich. Arundal.
Scarborough.
William Thompson,
John Hungerford.
Rippon.
John Aislabie,
William Aislabie.
Richmond.
John York,
Richard Abel.
Heydon.
William Pulteney,
Hugh Cholmeley.
Boroughbridge.
Sir Richard Steel,
Sir Wilfred Lawson.
Malton
Hon. T. Wentworth,
T. W[illegible]worth, jun.
Thirsk.
Thomas Frankland,
Thomas Pitt, sen.
Aldborough.
William Jessop,
Sir William Mouson.
Beverly.
Sir Charles Hotham,
Sir Michael Wharton.
Northallerton.
Leonard Smelt,
Cholmeley Turner.
Pontefract.
Sir William Lowther,
Hugh Bethel.

CINQUE PORTS.

Hastings.
Archibald Hutcheson,
Henry Pelham.
Dover.
Hon. Geo. Berkley,
Henry Furnese.
Sandwich.
Sir Thomas Daeth,
Sir George Oxendon.
Hythe.
Jacob des Bouverie,
Sir Samuel Lennard.
New-Romney.
Sir Robert Furoese,
Edward, visc. Sonds.
Rye.
Sir John Norris,
Philip Gibbon.
Winchelsea.
Robert Bristow,
G. Bubb Doddington.
Seaford.
George Naylor,
Hon. Henry Pelham.

WALES.

ANGLESEA.
Owen Meyrick.
Beaumaris.
Hon. Henry Bertie.
BRECON.
W. Gwyn Vaughan.
Brecon Town.
Roger Jones.
CARDIGAN.
Owen Brigstock.
Cardigan Town.
Stephen Parry.
CAERMARTHEN.
Sir Thomas Stepney.
Caermarthen Town.
Richard Vaughan
CARNARVON.
John Griffith.
Carnarvon Town.
Thomas Wynne.
DENBIGH.
Watkin W. Wynn.
Denbigh Town.
John Roberts.
FLINT.
Sir Roger Mostyn.
Flint Town.
Thomas Eaton.
GLAMORGAN
Sir Charles Keymis
Cardiffe Town.
Sir Edward Stradling.
MERIONETH.
Richard Vaughan.
MONTGOMERY.
Hon. Price Devereux.
Montgomery Town.
John Pugh,
Sir Arthur Owen.
Pembroke Town.
Thomas Ferrere.
Haverford West.
Sir John Philips.
RADNOR
Sir Richard Fowler.
New Radnor Town.
Thomas Lewis.

SCOTLAND.

Aberdeen.
Sir Alex. Cumming.
Air.
John Montgomery.
Argyle.
Sir James Campbell.
Banff.
Alex. Abercromby.
Berwick.
George Bailie,
Sir Robert Gordon.
Nairn and Cromartie.
Alex. Urquhart.
Dumbarton.
Hon. John Campbell.
Dumfries.
Sir William Johnston.
Edinburgh.
John Baird, jun.
Elgin
Alexander Brodie.
Fyfe.
Sir John Anstruther.
Forfar.
James Scot.
Haddington,
John Cockburn.
Inverness.
John Forbes.
Kincardin.
James Scott.
Kinross and Clackmanan
William Douglas.
Kircudbright.
Alexander Murray.
Lanerk
Lord Arch Hamiltoe.
Linlithgow.
Sir J. Cunninghame.
Orkney and Zetland.
James Modie, jun.
Peebles
Alexander Murray.
Perth.
Lord James Murray.
Renfrew.
Sir Robert Pollock.
Ross.
Hon. C Ross
Roxburgh.
William Douglas, jun.
Selkirk.
John Pringle.
Stirling
Mungo Haldene.
Sutherland.
Sir William Gordon.
Wigtoun.
Hon John Stuart.
Edinburgh City.
John Campbell.
Burghs of Kirkwall, &c.
Robert Monro.
Fortrose, &c.
William Stewart.
Elgin, &c.
John Campbell.
Aberdeen, &c.
John Middleton.
Forfar, &c.
Patrick Haldane.
Crail, &c.
Philip Anstruther.
Dysart, &c
Hoo William Ker.
Invirkithen, &c.
Henry Cunningham.
Glasgow, &c.
Daniel Campbell.
Haddington, &c.
Sir James Dalrymple.
Selkirk, &c.
Hon. Col. G. Douglas.
Dumfries, &c.
Alexander Ferguson.
Wigtown, &c.
Patrick Vane.
Ayr, &c.
Thomas Kennedy.

Spencer Compton, esq. chosen Speaker.] The Commons being returned to their House,

The Earl of *Hartford*, son and heir apparent to the duke of Somerset, said, That the House having received his majesty's commands to return, and immediately choose a Speaker; although he was himself very unfit to recommend any person, yet he should take upon him to name one, of whose abilities and virtues, he thought, no one need be better convinced, though it very ill became him to recommend and thereupon the hon Spencer Compton, esq. who had already made known his experience in the house, and given so many occasions of knowing his abilities in every thing of that kind; and as he had already, with the greatest honour, filled the chair of the committee of privileges and elections, which, next to that of the Speaker's, is the highest we have; there was no occasion to say more of him; and therefore moved, that Spencer Compton, esq. might take the chair of the house.

Lord *Finch*,* son and heir apparent to the earl of Nottingham, said, "That, after the honourable mention, which the noble member had been pleased to make of Mr Compton, whose abilities were so well known to every gentleman in the house, his addition would be a mis-spending of time: but, however, on this occasion, he could not but take notice of him, as he was a person descended of a very noble and honourable family, in all times famous for their steady adherence to the constitution in church and state, for their inviolable loyalty to a deserving master, though an unfortunate prince, that he had eminently distinguished himself in the true interest of his country, by his firmly adhering to, and supporting with resolution, those measures, that were necessary to maintain the protestant succession, when in the utmost danger; upon which alone the security of the church of *England*, the protestant religion abroad, and the liberties of his country, could depend, without which, they might not have had an opportunity this day to choose a Speaker That, by these virtues, and his great abilities in parliamentary affairs, he had so well deserved of his country, as to merit all marks of esteem that they could shew him. that he had already discharged the duty of the second chair, when intrusted with the rights and liberties of the Commons, with such temper, candour, and impartiality, as must satisfy every gentleman in the house, that he will support the dignity of the chair, and shew himself entirely equal to the trust they should repose in him. Unless such merit fills the chair, in vain would it be for a Speaker, at the bar of another house, to insist upon the rights and privileges of parliaments, freedom of speech, and liberty of debating, for it would ever be in the breast of a Speaker to obstruct that freedom of speech which the crown has not a right to deny: since, therefore, to complete his character, he has already distinguished himself by these virtues, so necessary to every one who is to preside in a free assembly, he begged leave to second the motion."

Then Mr. *Compton* stood up in his place, and said, "That excuses upon these occasions were generally so much suspected, that notwithstanding the just sense he had of his own inabilities, he should have chose to have sat silent, and submitted himself to the pleasure of the house, had nothing but his own reputation, however dear that was to him, been concerned in the decision of this question: but when he consider'd that the future prosperity and tranquillity of this kingdom would entirely depend on many difficult and important points, which must necessarily come under the consideration of this parliament, he must own he trembled, lest the just expectation the nation had of relief, of security, and of future happiness, from the deliberations of this house of Commons, should be any-ways obstructed, if not disappointed, by his want of capacity; and that he should therefore think himself inexcusable, did he not lay before gentlemen how unequal he found himself to so great a weight: and since there were so many gentlemen in this house (he might venture to say there never were more in any house of Commons), whose experience, added to their abilities, did fitly qualify them to promote those great and good purposes, which he was sure, every gentleman in the house proposed for the service of his country, from the determination of this parliament, he should hope he might be allowed to sit down, perfectly satisfied with the honour of having been proposed by two honourable persons, who were the ornaments of the last parliament, and whose steady adherence to the true interest of their country added a lustre even to their birth. and that gentlemen would agree on some other person, whose greater abilities would enable him to discharge this high trust, with reputation to himself, and advantage to the public."

But, the house calling upon Mr. Compton, "To the chair," he was taken out of his place by the earl of Hartford, and the lord Finch, who led him from the bar of the house, up to the chair where upon the steps, he said, "that the undeserved honour he had received, by being brought thus far, require the utmost return of gratitude to the whole house, and his most hearty thanks to every member of it, and would stop him from further insisting on his own insufficiency, lest he should be thought to censure the judgment of the house: the real sense of his own weakness still urged him to intreat gentlemen to desist from so improper a choice; and to give him leave to return to his former seat, where the errors he might commit could be only unfortunate to himself; whereas, in the chair, they might be prejudicial to the whole kingdom."

But the house cried, No, no: whereupon Mr. Compton took the chair; and, the mace, which before lay under the table, being laid upon the table, he, standing up, said, "though the house would not allow of his excuse, he hoped they would be pleased to permit

* For a biographical account of him, see vol. 6, p. 1272, Note.

him to intercede with his majesty to command them to proceed to another election." The members cried, No, no; and thereupon he sat down in the chair.

The Speaker's Speech on being presented and approved of.] March 21. The king came to the House of Lords with the usual solemnity; and the House of Commons attending, the Speaker elect addressed his majesty, [illegible]

"May it please your majesty, The Commons of Great Britain, in parliament assembled, have, in obedience to your majesty's command, proceeded to the choice of their Speaker; and now attend, with all humility, to present me to your majesty, as the effect of that choice. It must be very surprising to your majesty, that, from amongst so many honourable, learned, and worthy persons, who are every way qualified to discharge this great trust, any thing could induce your Commons to present me for your majesty's approbation, who have none of those endowments necessary for the execution of this important charge: I have neither memory to retain, judgment to collect, nor skill to guide, their debates, nor can I boast of any thing that could entitle me to the favor of the Commons, but an unshaken fidelity to the Protestant succession. This, Sir, to your faithful Commons, supplied the want of all qualifications: by this first step they design to convince the world, that a steady adherence to the interest of your majesty's royal house is the only recommendation to the favour of the Commons. This your Commons hope, may be some excuse for their presuming to present to your majesty a person, whose insufficiency renders him so improper for them to elect, or for your majesty to approve; But though your majesty should be graciously pleased to allow this as a justification for your Commons, yet I should be unpardonable, did I not, with all humility, represent to your majesty, that, though my zeal be great, my infirmities are greater. This employment requires a man of better understanding, and stronger judgment, than I am master of: I am therefore an humble suitor to your majesty, to accept my excuse, and to command the knights, citizens, and burgesses, to return to their House, and there to make choice of some fitter person to discharge this great trust, on the due execution whereof the public welfare so much depends."

Then the *Lord Chancellor*, taking directions from his majesty, said,

"Gentlemen of the House of Commons;—I am to acquaint you, by his majesty's command, that his majesty is perfectly well satisfied with the choice you have made of Mr Compton to be your Speaker; and therefore his majesty doth allow of, and confirm you, Mr. Compton, to be Speaker of the House of Commons."

Then the *Speaker* said,

"Since it is not your majesty's pleasure to admit my excuse; it is my duty to submit, and chearfully to undergo this burden, which your majesty and the Commons have been pleased to lay on me, having an entire confidence in your majesty's goodness for pardon for my errors and infirmities, at least that they may not be imputed to your faithful Commons: On whose behalf I lay claim, by humble petition to your majesty, to all their ancient rights and privileges; particularly, that they may have privilege from arrests, and disturbance, for their persons, estates, and servants, liberty of speech for the better management of their debates, and free access to your majesty's royal person, as occasion shall require."

Then the *Lord Chancellor* receiving further directions from his majesty, said,

"Mr Speaker; I am commanded by his majesty to say, that his majesty, being fully assured of the prudence, loyalty, and good affections, of the House of Commons, does most willingly grant to them all their privileges, in as full a manner as they have at any time been granted or allowed by any of his majesty's royal predecessors. And as to what you have prayed in relation to yourself, his majesty will be graciously pleased to put the best and most favourable construction upon your words and actions, in execution of this great trust as Speaker of the House of Commons; being satisfied, by your past conduct, of your good intentions and zeal for his service, and the true interest of your country, and of your experience and abilities in the business of parliaments."

The King's Speech on opening the Session.] Then his majesty was pleased to say,

"My Lords and Gentlemen;—I have ordered my lord chancellor to declare to you in my name and words, the causes of calling this parliament."

Then the *Lord Chancellor*, receiving directions from his majesty, said,

"My Lords, and Gentlemen,—His majesty hath commanded me to declare to you the causes of his calling this parliament, as they are contained in this his majesty's most gracious Speech, now delivered into my hands by his majesty, from the throne.

"My Lords, and Gentlemen; This being the first opportunity that I have had of meeting my people in parliament, since it pleased Almighty God, of his good Providence, to call me to the throne of my ancestors, I most gladly make use of it, to thank my faithful and loving subjects for that zeal and firmness that hath been shown in defence of the Protestant succession, against all the open and secret practices that have been used to defeat it, and I shall never forget the obligations I have to those who have distinguished themselves upon this occasion.

"It were to be wished, that the unparalleled successes of a war, which was so wisely and cheerfully supported by this nation, in order to procure a good peace, had been attended with a suitable conclusion; but it is with concern

I must tell you, that some conditions, even of this peace, essential to the security and trade of Great Britain, are not yet duly executed; and the performance of the whole may be looked upon as precarious, until we shall have formed defensive alliances to guaranty the present treaties.

"The Pretender, who still resides in Lorrain, threatens to disturb us: and boasts of the assistance which he still expects here, to repair his former disappointments.

"A great part of our trade is rendered impracticable this, if not retrieved, must destroy our manufactures, and ruin our navigation.

"The public debts are very great, and surprisingly increased, even since the fatal cessation of arms. My first care was, to prevent a farther increase of these debts, by paying off forthwith a great number of ships, which had been kept in pay when there was no occasion for continuing such an expence.

"Gentlemen of the House of Commons,

"I rely on you for such supplies as the present circumstances of our affairs require for this year's service, and for the support of the public faith: the estimates shall be laid before you, that you may consider of them: and what you shall judge necessary for your safety, I shall think sufficient for mine.

"I doubt not but you will concur with me in opinion, that nothing can contribute more to the support of the credit of the nation, than a strict observance of all parliamentary engagements.

"The branches of the revenue, formerly granted for the support of the civil government, are so far incumbered and alienated, that the produce of the funds which remain, and have been granted to me, will fall much short of what was at first designed for maintaining the honour and dignity of the crown: and since it is my happiness (as I am confident you think it yours) to see a Prince of Wales, who may in due time succeed me on the throne, and to see him blessed with many children, the best and most valuable pledges of our care and concern for your prosperity, this must occasion an expence, to which the nation has not of many years been accustomed, but such as surely no man will grudge; and, therefore, I do not doubt but you will think of it with that affection which I have reason to hope for from you.

"My lords and gentlemen,

"The eyes of all Europe are upon you, waiting the issue of this first session. Let no unhappy divisions of parties here at home, divert you from pursuing the common interest of your country. Let no wicked insinuations disquiet the minds of my subjects. The established constitution, as church and state, shall be the rule of my government; the happiness, ease, and prosperity of my people, shall be the chief care of my life. Those who assist me, in carrying on these measures, I shall always esteem my best friends; and I doubt not but that I shall be able, with your assistance, to disappoint the designs of those who would deprive me of that blessing which I most value, the affection of my people."

Which being ended, his majesty was pleased to withdraw; and the Commons returned to their House.

The Lords' Address.] March 22. The Duke of Bolton reported from the Lords Committees appointed to draw an address, to be presented to his majesty, "That they had drawn an address accordingly, as follows:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to present to your majesty most humble and hearty thanks, for your majesty's most gracious speech to your houses of parliament; and to assure your majesty, that although we met together with hearts deeply sensible of the goodness of divine Providence to us, in bringing your majesty with safety, and at so critical a juncture, to the throne of your ancestors, yet we could not but become still more affected with that inestimable blessing, when we heard so very affectionate expressions from your majesty towards your people; so clear and full assurances, from a Prince of such known honour and justice, that the established constitution in church and state shall be the rule of your government; and so just and tender a concern for our not having obtained those advantages by the peace, which would have been but a suitable conclusion to so glorious and successful a war; nor as yet a due execution of some conditions, even of that peace, essential to the security and trade of this kingdom.

"We are affected with wonder, as well as with a just resentment, that a Pretender to your majesty's crown should be yet permitted to reside so near your dominions; especially after his public boasting of an assistance he expects here, and his avowing a design to invade this your majesty's kingdom.

"We are but too sensible that our trade is rendered impracticable in the most valuable branches of it, and of the ill effects that must have upon our manufactures and navigation: but your majesty may be assured, nothing shall be wanting on our part, that may any way conduce to the retrieving it.

"These and other difficulties your majesty hath met with on your accession to the crown (and which, we must observe, in justice to your wisdom and foresight, would have been prevented had your opinion been followed), we must confess, are very great and discouraging: However we do not doubt but that your majesty, assisted by this parliament, zealous for your government, and the safety and honour of their country, may be able to take such further measures, as will secure what is due to us by treaties, ease our debts, preserve the public credit, restore our trade, extinguish the very hopes of the Pretender, and recover the reputation of this kingdom in foreign parts;

the loss of which, we hope to convince the world by our actions, is by no means to be imputed to the nation in general.

"And these good ends cannot fail of being obtained, by your majesty's pursuing with steadiness, as you have begun, the true interest of this your obedient and affectionate people: and your majesty may, by God's blessing, depend that in conjunction with so loyal a parliament, you will be able to lay foundations that can never be moved, not only of the security and glory, but even of the ease and tranquillity of your government, and that of your majesty's posterity; for which we offer up our most ardent prayers, that it may for ever continue to reign after your majesty on the throne of these kingdoms, and in the hearts of a people truly happy, and fully sensible of their being so."

Debate thereon.] As soon as the Address had been read, there rose a great debate about the following expressions, "And recover the reputation of this kingdom in foreign parts; the loss of which we hope to convince the world by our actions, is, by no means, to be imputed to the nation in general." The lord Trevor *(a)*, lord Bolingbroke *(b)*, the earl of Strafford *(c)*, dukes of Buckingham *(d)*, and Shrewsbury *(e)*, earl of Anglesea, the archbishop of York *(f)* the bishops of London *(g)* and Bristol *(h)*, excepted against that clause, alledging, "that the same was injurious to the late queen's memory, and even clashing with that part of his majesty's speech which recommended to both houses, the avoiding the unhappy divisions of parties."

The Lord *Bolingbroke* expressed the deepest concern for the memory of the late queen, which, he said, "he would do all in his power to vindicate; that he had the honour to be one of her servants, and if he had had done any thing amiss he would be contented to be puoished for it; but that he thought it very hard to be censured and condemned without being heard." His lordship added, "that his present majesty had several times expressed a great respect and tenderness for the late queen's memory; and was a prince of so great wisdom, equity, and justice, that he was sure his majesty would not condemn any man, without hearing what he had to say for himself; that so august an assembly ought to imitate so great a pattern." And upon these and other reasons, his lordship moved, "That the words 'recover,' &c. might be softened into those of 'maintain the reputation of this kingdom,' and that the rest of the paragraph might be left out."

The Earl of *Strafford* also excepted against that clause, urging, "that the same would expose the honour of the nation abroad, which he was sure, had suffered no diminution during his negociations."

The Duke of *Shrewsbury* said, "that the House of Peers ought, on all occasions, to be most tender of the honour and dignity of the crown, from which they derive their own honour and lustre, that therefore, when the like clause was inserted in an Address of the House of Commons to the late queen, upon the death of king William*, he had expressed, to several members of that house, his dislike of it, because it reflected on the memory of that prince; and for the same reason he was against the said clause.—These were answered by the marquis of Wharton,† the lord Cowper,‡ the earls of Nottingham and Aylesford, and the duke of Devonshire, who expressed all respect and reverence for the late queen's memory, but distinguished between her and her ministry; and maintained the clause in question by arguments drawn from the mismanagements of the latter, hinted at in his majesty's speech. Lord Cowper said, "They did not condemn any particular person, but only the peace in general, because they felt the ill consequences of it; that they who advised and made such a peace, deserved indeed to be censured, but that the words in the Address being general, no private person was affected by them: and that the alteration of the word 'recover' into that of 'maintain,' would signify no more towards the justification of the guilty, than the word 'recover' towards the condemnation of the innocent." Then the question being put, whether the Address should be recommitted or not, the negative carried it by a majority of 66 votes against 33.

The King's Answer to the Lords' Address.] March 23. The House of Lords in a body presented the said Address to the king, who returned the following Answer;

"My lords; I thank you heartily for this Address. Your duty and loyalty to me can never be better expressed, than by shewing a just concern for the reputation and interest of the nation; since I have no other thought, or view, but to promote the prosperity and happiness of my people."

(a) Created a peer, 31st December, 1711, lord chief justice of the common pleas at the queen's death, but removed 26th October, 1714, and succeeded by sir Peter King.

(b) Secretary of State at queen Anne's death, but removed on the accession of king George.

(c) One of the Plenipotentiaries at the treaty of Utrecht.

(d) President of the council at the accession of king George, but removed and succeeded by Daniel, earl of Nottingham.

(e) Lord High Treasurer at the queen's death.

(f) Sir William Dawes, bart.

(g) Dr John Robinson, a Plenipotentiary to the treaty of Utrecht.

(h) Dr. George Granville, [illegible] the University

* See the Address, with the division thereon, vol 6, p. 46.

† Appointed Lord Privy Seal, September 22, 1714, in the room of the earl of Dartmouth.

‡ Appointed Lord Chancellor, September 29, 1714, in the room of Lord Harcourt.

The Commons' Address.] March 23d. The Speaker having reported to the House the king's Speech:

Mr. *Robert Walpole* made a speech in which he set forth the great happiness of these nations by his majesty's seasonable accession to the crown; ran through the mismanagements of the four last preceding years; and concluded with a motion for an Address of thanks to the king, conformable to the several heads of his majesty's speech. He was seconded by the lord Hinchinbroke, member for Huntingdon, and none but sir William Whitlocke, member for the university of Oxford, having raised any objection against Mr. Walpole's motion, it was resolved, That an Address be presented to his majesty; and a committee was appointed to draw it up, of which Mr Walpole was elected chairman; which was as follows:

"Most gracious sovereign;

"Your majesty's most dutiful and loyal subjects the Commons of Great Britain in parliament assembled, return your majesty their unfeigned thanks for your most gracious speech from the throne.

"It is with inexpressible joy that we approach your majesty, peaceably seated upon the throne of your royal ancestors, and being thoroughly sensible of the many open and secret practices that have of late years been used to defeat the Protestant Succession, we cannot sufficiently adore the Divine Providence, that so seasonably interposed, and saved this nation by your majesty's happy accession to the crown.

"Your faithful Commons receive with the highest gratitude, your most gracious assurances, that the established constitution in church and state shall be the rule of your government; and the safety, ease, and prosperity of your people the chief care of your life. We are sensible of your goodness expressed to those who have distinguished themselves by their zeal and firmness for the Protestant succession. And as we doubt not, but the wisdom and steadiness of your government will unite the hearts of all your faithful subjects in duty and affection to your sacred person, so we most humbly beg leave to assure your majesty, that we not only highly resent the wicked insinuations used to disquiet the minds of your subjects, but are resolved, to the utmost of our power, to suppress and extinguish that evil disposition that is still at work to deprive your majesty of the affections of your people.

"We are sensibly touched, not only with the disappointment, but with the reproach brought on the nation by the unsuitable conclusion of a war, which was carried on at so vast an expence, and was attended with such unparalleled successes! But as that dishonour cannot in justice be imputed to the whole nation, so we firmly hope and believe, that through your majesty's great wisdom, and the faithful endeavours of your Commons, the reputation of these your kingdoms will in due time be vindicated and restored.

"We are under astonishment to find, that any conditions of the late peace, essential to the security and trade of Great Britain, should not be duly executed, and that care was not taken to form such alliances, as might have rendered that peace not precarious. And as no care shall be wanting in your loyal Commons to enquire into these fatal miscarriages, so we entirely rely on your majesty's wisdom, to enter into such alliances as you shall judge necessary to preserve the peace of Europe; and we faithfully promise to enable your majesty to make good all such engagements.

"It is with just resentment we observe, that the Pretender still resides in Lorrain, and that he has the presumption, by declarations from thence, to stir up your majesty's subjects to rebellion; But that which raises the utmost indignation of your Commons is, that it appears therein, that his hopes were built upon the measures that had been taken for some time past in Great Britain. It shall be our business to trace out those measures whereon he placed his hopes, and to bring the authors of them to condign punishment.

"Your Commons are under the deepest concern, that a great part of our trade is rendered impracticable, which if not retrieved, must destroy our manufactures, and ruin our navigation: But though we are too sensible of those fatal consequences, we are not yet without hopes, that your majesty's great wisdom, by the assistance of your Commons, may find means to extricate your people from their present difficulties.

"The blessings derived to these nations from your majesty's auspicious reign, are not confined to the present times; we have a prospect of future and lasting happiness entailed upon your people by a long succession of your royal progeny. And as this is a blessing which these kingdoms have a long time wanted, so they could never hope to have seen it so well supplied, as in the person of his royal highness the prince of Wales, and his issue. Your faithful Commons shall therefore think it their duty to enable your majesty to support the dignity of the crown, and to make an honourable provision for the royal family.

"The surprising increase of the public debts, even since all thoughts of carrying on the war were laid aside, shall not discourage us from granting such supplies as shall be necessary for the service of this year, and the support of public faith. And we do entirely concur with your majesty in opinion, that nothing can contribute more towards preserving the credit of the nation, than a strict observance of all parliamentary engagements, which we are firmly resolved upon all occasions inviolably to maintain."

Debate thereon.] Upon the reading of this Address, there arose a warm debate in the House; Mr Shippen, Mr Bromley, sir William Wyndham, general Ross, Mr. Caesar, Mr.

Ward, sir Robert Raymond, * sir William Whitlocke, Mr Hungerford, and some others, raised objections against divers expressions in the Address, but were answered by Mr Robert Walpole, Mr. Secretary Stanhope †, sir Gilbert Heathcote, and Mr. William Pulteney.

General *Ross*, among the rest, insisted much, "That the condemning the peace, and censuring the late ministry, was a reflection on the late queen, whose act and deed the peace was; and that he was sure the reflecting on the late queen, could not be agreeable to his present majesty."

He was answered by Mr. Robert Walpole, and general Stanhope, "That nothing was farther from their intentions, than to asperse the late queen; that they rather designed to vindicate her memory, by exposing and punishing those evil counsellors who deluded her into pernicious measures; whereas the opposite party endeavoured to screen and justify those counsellors, by throwing on that good, pious, and well meaning princess, all the blame and odium of their evil counsels." As to censuring the late ministers, without hearing them, and condemning the peace, without examining into particulars, as unjust and unprecedented, it was answered, "That they must distinguish between censuring ministers, and condemning the peace in general, and condemning particular persons. That they might, in equity and justice, do the first, because the whole nation is already sensible that their honour and true interest were given up by the late peace; that in due time they would call them to an account, who made and advised such a peace, but God forbid they should ever condemn any person unheard." On this occasion,

General *Stanhope* took notice of a report industriously spread abroad, "That the present ministers never designed to call the late managers to an account, but only to censure them in general terms, but he assured the House, that notwithstanding all the endeavours that had been used to prevent a discovery of the late mismanagements, by conveying away several papers from the secretaries offices, yet the government had sufficient evidence left to prove the late ministry the most corrupt that ever sate at the helm: That those matters would soon be laid before the House: and that it would appear, that a certain English general had acted in concert with, if not received orders from, Marshal Villars."

Sir *William Wyndham* endeavoured to prove, that the peace had been very beneficial to this kingdom, and offered to produce a list of goods, by which it appeared, that the customs had increased near 100,000*l* per annum. But he was immediately taken up by

Sir *Gilbert Heathcote*, who readily owned, sir William might, indeed, produce a list of vast imports from France, but defied him to shew that our exports thither, particularly of our woollen manufactures, had encreased since the peace. He added, that imports being only our consumption, rather prove our loss than our gain, and that the nation gets only by exports, which keep up our manufactures, employ our poor, and bring in returns in money; to which sir William Wyndham made no reply.

Sir William Whitlocke having suggested, that the new ministry designed to involve the nation in a new war, and lay 6*s*. in the pound, was assured by Mr. Robert Walpole, that none in the present ministry were for a war, if the same could any ways be avoided; and that he doubted not, but 2*s*. in the pound would be sufficient towards this year's service.

After this debate, a motion being made, and the question put, that the Address of thanks be recommitted, it passed in the negative, by 244 voices against 135; and then it was resolved, that the House do agree with the Committee in the said Address; and ordered, that such members as are of the privy council, should know his majesty's pleasure, when he would be attended by the House.

The King's Answer.] The king having appointed the next day, the Commons, with their Speaker, attended his majesty accordingly at St. James's, with their Address, to which his majesty returned the following Answer:

"Gentlemen; I thank you for the many kind assurances you have given me in your dutiful and loyal Address.—No endeavours shall be wanting on my part, to promote your true interest, and endear myself to all my people: and I will depend on your zeal and affection, to defeat all evil designs, that may tend to disquiet the minds of my people, and disturb the tranquility of my government."

The King's Proclamation for calling the Parliament objected against.] April 5. The House being moved to appoint a day for taking into consideration the King's Proclamation of the 15th of January last for calling a new parliament, and the same being read accordingly,

Sir *William Whitlocke* made some exceptions to the said Proclamation, as unprecedented and unwarrantable, for which he was called upon by some members to explain himself; upon which he made an excuse for what he had said.

The passages here alluded to are as follows, viz. 'We cannot omit, on this occasion of first 'summoning our parliament of Great Britain, 'in justice to ourselves, and that the miscar-'riages of others may not be imputed to us, at a 'time when false impressions may do the greatest 'and irrecoverable hurt before they can be 'cleared up, to signify to our whole kingdom, 'that we were very much concerned, on our [illegible] with [illegible]

* Made attorney-general, 5th May, 1720: lord chief justice of the King's bench, Feb. 28, 1724, and afterwards created a baron of Great Britain.

† Made secretary of state, 23d January, 1716; chancellor of the exchequer, 13th April, 1717, and afterwards created an earl.

accession to the crown, to find the public affairs of our kingdoms under the greatest difficulties, as well in respect of our trade, and the interruption of our navigation, as of the great debts of the nation, which we were surprized to observe, had been very much increased since the conclusion of the last war. We do not therefore doubt, that if the ensuing elections shall be made by our loving subjects with that safety and freedom which by law they are entitled to, and we are firmly resolved to maintain to them, they will send up to parliament the fittest persons to redress the present disorders, and to provide for the peace and happiness of our kingdoms, and the ease of our people for the future, and therein will have a particular regard to such as shewed a firmness in the Protestant Succession, when it was most in danger, &c.'

Motion for committing Sir W Windham to the Tower.] This dispute would have been dropped, had not

Sir *William Windham* even carried the matter farther, by advancing, that the said Proclamation was not only unprecedented and unwarrantable, but even of dangerous consequence to the very being of parliaments. The courtiers could not but take notice of so home a reflection, and thereupon called upon Sir William Windham to justify his charge; but sir William, who judged he could not descend to particulars, without giving farther offence, declined explaining himself; though at the same time, he resolutely maintained his first assertion, saying, "That as he thought some expressions in the said proclamation of dangerous consequence, so he believed every member was free to speak his thoughts."

Lord *Finch* said, No doubt but every member has that liberty, freedom of speech being one of the essential privileges of that House; but that the House has, at the same time, both the liberty and power to censure and punish such members as transgress the rules of decency, trespass upon the respect due to the crown, and so abuse the privileges of the House within doors, as to render it contemptible without.

Sir William being again called upon to explain himself, and still persisting in his refusal, some members cried 'the Tower, the Tower,' but

Mr. *Robert Walpole* warded off the blow by words to the following purpose, "Mr Speaker, I am not for gratifying the desire which the member, who occasions this great debate, shews of being sent to the Tower, it would make him too considerable: but as he is a young man of good parts, who sets up for a warm champion of the late ministry, and one who was in all their secrets, I would have him be in the House when we come to enquire into the conduct of his friends, both that he may have an opportunity to defend them, and be a witness of the fairness with which we shall proceed against those gentlemen; and that it may not be said, that we take any advantage against them."

After several other speeches, which prolonged this debate from one till half an hour past five in the afternoon, a motion was made, and the question put, That the House do now adjourn, which being carried in the negative by a majority of 312 voices against 134, a motion was made, and the question proposed, "That sir William Windham having reflected upon his majesty's proclamation of the 15th of January last, for calling a new parliament, and having refused to justify his charge, although often called upon so to do, is guilty of a great indignity to his majesty, and of a breach of the privilege of the House."

This motion occasioned a fresh debate, that lasted till seven of the clock; the courtiers still insisting, that sir William Windham should justify his charge, and sir William as resolutely declining to do it, saying, he was ready to undergo whatever a majority might think fit to inflict upon him. At last the question being put, That sir William Windham should withdraw, the same was carried in the affirmative by 208 voices against 129, whereupon sir William withdrew accordingly; and with him, to a man, all the 129 members who had been for the negative.

Their antagonists being thus entire masters of the field, the question was put and unanimously resolved, "That Sir William Windham, having reflected upon his majesty's proclamation of the 15th of January last, for calling a new parliament, and having refused to justify his charge, although often called upon so to do, is guilty of a great indignity to his majesty, and of a breach of the privilege of the House." After which it was ordered, That sir William Windham be, for the said offence, reprimanded in his place by Mr. Speaker: and that he should attend the House in his place the next morning.

Sir W. Windham reprimanded by the Speaker.] April 6. Sir William Windham attending in his place, according to order;

The Speaker called upon him by his name, (Mr. Speaker sitting in the chair covered); and, sir William Windham standing up in his place uncovered, Mr Speaker spoke to him to the effect following.

"Sir William Windham, I am to acquaint you, that yesterday, after you were withdrawn, the House came to this Resolution: 'That sir 'William Windham, having reflected upon his 'majesty's proclamation, of the 15th of January 'last, for calling a new parliament, and having 'refused to justify his charge, although often 'called upon so to do, is guilty of a great in'dignity to his majesty, and of a breach of the 'privilege of this House.' Sir, the arraigning a Proclamation, issued by his majesty, for calling this present parliament; and refusing to assign any cause, why such proclamation is blameable; the House thought an indignity to his majesty, and so unwarrantable an use of

that freedom of speech, which is the undoubted privilege of parliament, that the House thought they could not let it pass without animadversion; but, being willing their moderation should appear, notwithstanding their lenity has been too much despised and contemned, they have inflicted the mildest censure your offence was capable of; and have commanded me to reprimand you in your place; and in obedience to their command, I do reprimand you accordingly."

Whereupon Sir *William Windham* said,

"Mr. Speaker; I very truly return my thanks to you for performing that duty which is incumbent upon you, from your office, in so candid and gentleman-like a manner.—As I am a member I know I must acquiesce in the determination of the House; but, as I am not conscious to myself of having offered any indignity to his majesty, or of having been guilty of any breach of the privilege of this House, I have no thanks to return to those gentlemen who, under a pretence of lenity, have brought me under this censure."

Motion for appointing a Committee, to inquire into the late Peace, and the Management of the late Queen's Ministry.] April 9. Mr Secretary *Stanhope* presented to the House, pursuant to their Address to his majesty for that purpose, on the 31st of March, all the Powers, Instructions, Memorials, Papers, &c. relating to the late Negotiation of Peace and commerce, and to the late cessation of arms, which he delivered in at the table, and told the House, "That nothing had been omitted, that might either answer the desire they had expressed of being thoroughly informed of what had passed in those important negotiations, or to satisfy the whole world, that the present ministry acted with the utmost fairness and candour, and designed to take no manner of advantage over the late managers in the intended inquiries: That, indeed, the papers now laid before the House were only copies, but that the originals would be produced if occasion required: concluding, That those papers being too many, and too voluminous to be perused and examined by all the members of the House, he thought it more convenient, and therefore moved, that the said books and papers be referred to a Select Committee of twenty persons, who should digest the substance of them under proper heads, and report the same, with their observations thereupon to the House."

Mr *Ward* said, Nothing could be fairer. That for his own part, though his principle was that kings can do no wrong, yet he was of opinion, that ministers were accountable for their mal-administration.

Mr. *Edward Harley* * stood up, and said, "That it was easy to see that one of his nearest relations was principally aimed at, in the intended inquiries; but he might assure the house, that the said person, notwithstanding the

* One of the auditors of the Imprest, and brother to the earl of Oxford. "The conduct of the earl of Oxford and the lord Bolingbroke, the two chiefs of the late ministry, was at this time very remarkable. The earl skulked about sometimes in town, and sometimes in the country; affecting to appear very unconcerned, professing his innocence, and boasting what great things he had done for securing the Hanover succession. The other affected to act a more open part, appeared every where, and spoke in parliament with such boldness, as if he had not the least sense of guilt, or dread of punishment. This was said to be owing to the advice of the lord Trevor, who represented to him, "How much their cause would suffer, if he, whose chief interest it was to support it to the last, should meanly throw it up, by absenting himself. He assured him, no hold could be taken of his person till he was impeached, which he could not be, till the papers relating to the part of the administration, in which he was concerned, were examined." However, it was observed, that the earl of Oxford sold out all the stock he had in his own name in the south-sea company: and the lord Bolingbroke's heart began to fail him, as soon as he heard, that Mr. Prior was landed at Dover, and had promised to reveal all he knew: which however he did not make good, though he was favourably received by the king, to whom he was introduced by the earl of Dorset; and, the same day, was entertained at dinner by the lord Townshend, together with the duke of Roxburgh, Mr. secretary Stanhope, the earl of Dorset, and the lord Lumley. That evening the lord Bolingbroke, who had the night before appeared at the play-house in Drury-Lane, and bespoke another play for the next night, and subscribed to a new opera, that was to be acted some time after, went off Dover in disguise, as a servant to le Vigne, one of the French king's messengers; and there William Morgan, who had been a captain in major-general Hult's regiment of marines, hired a vessel, and carried him over to Calais, where the governor attended him in a coach, and carried him to his house, as appeared by Morgan's examination. The next day after it was publicly known, that he was gone to France, there was handed about in writing and afterwards in print, the following letter said to be writ by him:

'My lord; *Dover, March* 27.

'I left the town so abruptly, that I had not 'time to take leave of you, or any of my friends 'You will excuse me, when you know, that I 'had certain and repeated informations from 'some, who are in the secret of affairs, that a 'resolution was taken by those, who have power 'to execute it, to pursue me to the scaffold. 'My blood was to have been the cement of a 'new alliance; nor could my innocence be any 'security, after it had been once demanded 'from abroad, and resolved on at home, that it 'was necessary to cut me off. Had there been 'the least reason to hope for a fair and open

various reports which had been spread concerning him, would neither fly his country, nor ounceal himself, but be forth-coming whenever he should be called upon to justify his conduct. That he hoped he would be able upon the severest trial, to make his innocence appear to all the world; but if he should be so unhappy as to have been guilty of the crimes that were laid to his charge, he would think all his blood too small a sacrifice to atone for them." Nobody opposed general Stanhope's motion. Mr Hungerford only excepted against the number of 20, and moved that one more might be added; which was agreed to, and it was resolved, "That the papers before-mentioned be referred to a committee of 21. That the said Committee be a Committee of Secrecy, that they be chosen by way of balloting: and, that the members of the House should on the Monday following prepare lists for that purpose.'*

'trial, after having been already prejudged, unheard, by the two Houses of Parliament, I should not have declined the strictest examination. I challenge the most inveterate of my enemies to produce any one instance of criminal correspondence, or the least corruption in any part of the administration, in which I was concerned. If my zeal for the honour and dignity of my royal mistress, and the true interest of my country, has any where transported me to let slip a warm or unguarded expression, I hope the most favourable interpretation will be put upon it. It is a comfort, that will remain with me in all misfortunes, that I served her majesty faithfully and dutifully, in that especially, which she had most at heart, relieving her people from a bloody and expensive war; and that I have always been too much an Englishman, to sacrifice the interest of my country to any foreign ally whatsoever. And it is for this crime only, that I am now driven from thence. You will hear more at large from me shortly. Yours, &c'

'Some maintained this letter to be suppositious, but the generality of the Tories owned it to be true. And it plainly appeared afterwards, that he had just reasons to leave the kingdom.' Tindal

* "On the 11th of April the earl of Oxford went to the parliament, and took his seat in the House of Peers. About this time the earl of Peterborough suddenly returned from his late travels to Italy and France, having met with the lord Bolingbroke on the road between Paris and Calais; but it was said, he did not speak to him. The next day after his arrival, the earl appeared at St James's, but, whatever was the occasion, two days after the lord Townshend signified to him an order forbidding him the court.

"On the 12th of April the marquis of Wharton, lord privy-seal died at his house in Dover-street, after an indisposition of twelve days, in the 67th year of his age. His character will be ever endeared to the friends of liberty, and to all who have a true concern for the protestant interest. Could the services, which he performed for this nation and the present royal family be duly enumerated, they would appear beyond the best skill and abilities of any single man. King Charles 2 admitted him to great familiarities, and had him for a companion in many of his debauches, with a design to make him wholly his own. With regard to private vices, the success was notorious; but in what related to the public and court, he absolutely disappointed the king. He saw and heard the designs of a prince, to whose indolence and luxury the nation was obliged for its preservation. This gave him a just contempt for such a governor, and an abhorrence of all his views. King William was duly sensible of his services before and at the revolution. In that reign he attained to no higher a station than being comptroller of the household; which must be ascribed to the unhappy influence of those, who hated him, and his royal master. He received however the utmost proofs of confidence and respect, and had the king's most intimate designs communicated to him. His probity and good affection in what concerned the government was so well assured, that it gave him great and constant interest. Many important measures were ascribed to his secret advice. His great vigour and happy address in serving the good cause, which he had ever in view, cannot fully be described. His labours were infinite with men of all ranks, and on all proper occasions. He knew how to accommodate himself to every temper and inclination. What to others would have been great pain and trouble, afforded him great pleasure and satisfaction. The merit of his conduct in the country, at court, and in the senate, was equally admirable. His enemies, who were only so on the account of his public zeal and usefulness, have greatly aggravated his immoralities, and loaded him with crimes, from which he was wholly free. But did he not learn the rudiments of vice under their favourite king Charles? Have not the private lives of most of their leaders been equally faulty? Are they excusable for pretending to the name and name of religion? Lord Wharton's defects oblige us the more to admire his excellencies. In a life spent in a libertine manner, useful knowledge and learning were neglected. But an infinite fund of good sense and great natural abilities supplied whatever was wanting. On every emergency he discovered what was proper, and was never at a loss how to act. There was only not a readiness, and propriety in his speeches; but they were weighty and important. Nothing can be imagined more excellent than his skill and sagacity in the management of a debate. In these public appearances he was greatly assisted by never engaging in the support of what he

A Committee of Secrecy appointed.] April 19. Mr. Bladen reported from the Committee to whom it was referred to examine the lists of 21 persons to be the Committee of Se-

crecy, resolved upon by the house; and report upon whom the majority fell; that the majority had fallen upon the 21 persons following; viz Sir Richard Onslow, bart. Robert Walpole, Spencer Cowper, James Stanhope, Hugh Boscawen, William Pulteney, Nicholas Lechmere, Daniel lord Finch, John Aisiaby, Thomas Vernon, Algernon, earl of Hertford, Edward Wortley Mountague, sir David Dalrymple, bart. George Baillie, sir Joseph Jekyll, knt. Thomas Erle, Richard Hampden, Sir Robert Marsham, bart. Alexander Denton, Thomas Pitt, esq. Thomas lord Conyngsby.

An objection being made by some members to sir Joseph Jekyll's being one of the said committee, he having not taken the oaths at the table; it was readily answered, that the same was not owing to any voluntary neglect, sir Joseph Jekyll being employed in the circuits, as judge of the county palatine of Chester. Whereupon it was resolved, That sir Joseph Jekyll being a member of this House, was capable of being chosen of the committee of secrecy, although he had not been sworn at the table, and it was also ordered, 1. "That the books and papers ordered to remain in the custody of the clerk, till this committee was chosen, be delivered to the said committee; and that they do examine the same, and report to the House what they find material in them; and that they, or any five of them, do meet this afternoon, and sit 'de die in diem;' 2. That the said committee have power to send for persons, papers, and records."

The committee of secrecy met that evening, and chose Mr Robert Walpole their chairman; but that gentleman being the next day taken ill,[a] the committee chose Mr. Secretary Stanhope to supply his place of chairman, and for dispatch sake, subdivided themselves into three committees, to each of which a certain number of books and papers were allotted.

Debate concerning the Civil List.] May 13. The committee of the whole House having examined the accounts laid before them, relating to the Civil List, in the reigns of Charles 2, James 2, William 3, and queen Anne, and other papers on that head, the courtiers offered the following question, viz. "That it appears to this committee, that the sum of 700,000*l.* per annum was settled upon king William, during his life, for the support of his household, and other necessary occasions; and at the time of his demise, after the deduction of 3700*l* a week, which was applied to public uses, was the produce of the Civil List revenues that were continued and settled upon queen Anne, during her life." Which question occasioned a warm and long debate. Those who proposed it had two things principally in their view; first, To vindicate the present ministry from the aspersions, cast upon them, and industriously spread about, by the emissaries of the late managers, that the courtiers designed to give the king a larger revenue than his predecessors had enjoyed; and, second, To make good the branches of the revenue assigned for the support of the civil list, which had been alienated, or abridged, so that the whole neat produce might amount to the sum of 700,000*l* per annum.

The leading men among the Tories, being sensible of the first and pretending to be ignorant of the consequences of this preliminary question, insisted a long while, "That it was ensnaring. that what had been done by former parliaments ought not to be a standing rule for the subsequent that supposing the parliament had given king William a revenue of 700,000*l*. per annum for the civil list, they ought to consider, that he was to pay out of it 50,000*l*. per annum to the late queen, then princess of Denmark; 15 or 20,000*l* per annum to the late duke of Gloucester; and 40,000*l*. for the dowry of the late king James's queen: that after the late queen's accession to the throne, the parliament taking notice that the produce of the civil list revenues exceeded what they had been given for, the sum of 3700*l* per week, (that is 192,400*l* per annum) was taken out of them, and applied to other uses; notwithstanding which deduction, the late queen had honourably maintained her family, and supported the dignity of the crown: however if the present revenues of the civil list were not sufficient, they were ready to consent to an addition."

The courtiers answered, "That the question before them was founded upon facts, which, if denied, they were ready to prove by the records of the House."

Sir *William Windham* still urging that the question was ensnaring,

Mr. Secretary *Stanhope* answered, "That he would be very plain with them, and own, that as 'twas notorious, that great endeavours had been used to alienate the affections of the people from the king and his government by false suggestions, that they designed to plunge the nation into extraordinary expences, they thought it highly necessary to clear his majesty and his ministers from that malicious aspersion." To this the

Lord *Guernsey* replied, "That the disaffection of the people, if any, did not proceed from his majesty but from the hardships his ministers put on the friends of the late ministry."

To which it was returned, "That as soon as it was made known to the world, how the late ministry had used the whole nation, nothing

did not believe to have truth and justice on its side He lived to see the success of a cause, for which he had laboured with zeal and integrity, But his enjoyment of the blessing of the succession was very short. A misfortune in his family is supposed to have produced the fatal effect. His son possessed some of his parts and abilities, but his very different use and application of them are well known." Tindal.

[a] "As soon as the king was informed of Mr. Walpole's indisposition, his majesty shewed a great concern for the health of a person of his abilities and merit, and sent his physician to visit him." Oldmixon.

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that could be done against them, would then be thought a hardship; but, however, that rather that noble member, nor any of his family, had reason to complain of hardships."

After some other speeches, which prolonged the debate from two till about five in the afternoon, the country party endeavoured to drop the question, by moving that the Speaker resume the chair; but the question being put upon this question, the same was carried in the negative by 244 voices against 148. after which, the first question was put, and carried in the affirmative by about the same majority.

Then the victorious party moved, "That to enable his majesty to support the dignity of the crown, and to make an honourable provision for the royal family, there be granted to his majesty, during his life, an additional revenue, which, together with the neat produce of the Civil List branches, may make up the clear yearly sum of 700,000*l* for the service of his majesty's household and family, and for his other necessary expences and occasions."

The question being put upon this motion, the same occasioned another great debate. Sir Thomas Hanmer, Mr. Bromley, sir William Wyndham, Mr. Cæsar, Mr. Hungerford, and some other leading members of the late ministry, who, on this occasion, were strengthened and backed by some eminent members of the court party, did not at first directly oppose the question, but insinuated, "That before they came to that resolution, it should be proper that a particular of the king's expences should be laid before the House." Mr. Walpole, General Stanhope, Mr Lechmere, and some other courtiers, who, on this occasion, were joined by some of the opposite party, basing exploded that proposal as altogether inconsistent with the king's honour, to have all the private expences of his family and household looked into, as if he had need of a guardian, the country party then moved, that the sum of 600,000*l* per annum be given to his majesty, and 100,000*l* per annum settled on the prince of Wales The courtiers perceiving that the proposal of giving the prince of Wales a separate revenue, was only a design to divide the royal family, by lessening the next heir apparent's dependence on the king, opposed it with great warmth; and the question being put upon that motion, the same was carried in the negative by a great majority The country party having lost these two points, some of that party more openly opposed the main question, among the rest,

Sir *William Wyndham* said, "He had the honour to serve queen Anne, and had the opportunity to look both into her revenue and expences; and he could assure the House, that about 500,000*l*. per annum, were sufficient for the support of her family and civil list, though she reserved about 50,000*l*. a year for the late king James's consort." The courtiers were glad of this last confession; and

Mr. Secretary *Stanhope* desired the Committee to take notice of what that gentleman had advanced, because it would serve to confirm some matters, which the Committee of Secrecy had found in the papers that were laid before them.

A courtier, who, at that time, spoke on the opposite side, made some reflections on the present unthrifty administration of his majesty's revenue, and, in particular, took notice of the salaries of the judges being advanced, not, said he, for services done, but expected. Upon the whole matter, the question being put upon the motion before mentioned, about seven o'clock in the evening, the same was carried in the affirmative without dividing.

Debate concerning Pensions.] May 18. The Commons resolved themselves into a Committee of the whole House, to consider of the several lists and accounts of annuities, pensions, and bounties granted by the late queen, or his present majesty; upon which there arose a warm debate. The leading men among the friends of the late ministry, supported again by a great many courtiers, exclaimed against the pensions given by the crown to several persons of quality, some of whom they named who had no occasion for them; and a motion was made, That an address be presented to his majesty, that he would be pleased to retrench all unnecessary pensions, and grant no more any such for the future. Hereupon,

Mr. *Robert Walpole* showed, That they ought not to stint the king's beneficence, nor debar his majesty from the exercise of the most glorious branch of his royal prerogative, which is to bestow his favours on such as distinguish themselves in his service. He was seconded by,

Mr. *Hampden*, who, on the other hand, observed, that all the pensions about which so much noise was made, did not amount to above 25,000*l* a year; and to wave the motion made by the country party, he moved, That the chairman should leave the chair, which, being put to the vote, passed in the affirmative, by 191 votes against 186; so that the court party carried it by three voices only.

700,000l. per annum granted to the King for his Household.] May 23. The Commons, in a grand committee on the supply, came to this resolution, viz That to enable his majesty to support the dignity of the crown, and to make an honourable provision for the royal family, there be granted to his majesty, during his life, an additional revenue of 120,000*l*. per annum. which, together with the neat produce of the civil list branches, may make up the clear yearly sum of 700,000*l*. for the service of his majesty's household and family, and other his necessary expences and occasions. This resolution was reported on the 24th, and agreed to by the House.

Debate in the Lords on a Bill to regulate the Land Forces.] May 30. The House of Lords in a grand Committee, considered of the bill

for regulating the land-forces; when there arose a great debate about a clause, for confining the several regiments to those parts of his majesty's dominions, for which they were allotted; for instance, the twelve thousand men that were on the Irish establishment, to Ireland. The duke of Bucks, the lord Trevor, the lord North and Grey, the bishop of Rochester, and some others of that party, spoke for the clause. But the duke of Marlborough and some other lords shewed the fatal consequences, with which it might be attended, in case of an invasion from abroad, or an insurrection at home, by a number of enemies, foreign or domestic, superior to the number of forces actually on the spot, where either of them should happen. It was further urged, "That his majesty having trusted his person and family intirely in the hands of the nation, and at the opening of this session told the parliament, That what they should judge necessary for their safety, he should think sufficient for his own; the least they could do for him, was to leave to his wisdom and discretion the disposal of the few troops, that were kept on foot." Some Tory Lords moved, that the foreign officers might be excluded from that number: But,

The Duke of *Marlborough* spoke in their favour, and argued, "That to exclude officers, who, like the French refugees, had, for above five and twenty years, served England with distinguished zeal and untainted fidelity, would be a piece of injustice unprecedented in the most barbarous nations."

After some other speeches, the question was put, whether the clause should be inserted, and it was carried in the negative by 31 voices against 35. The next day, the Lords read the bill the third time, which, with some amendments, was approved, and sent down to the Commons.

Debate in the Lords about the Conspirators against K. William 3.] June 1. There was a Debate in the House about a Bill, for continuing* the Imprisonment of the conspirators against the life of the late king William. A Petition having been offered in their behalf, the lord North and Grey moved, that a day might be appointed to consider of it; and was seconded by the lord Trevor. They were opposed by Lord *Townshend*,† who said, "He wondered any member of that august assembly, would speak in favour of such execrable wretches, who designed to have embrued their hands in the blood of their sovereign;" and therefore moved "That their petition be rejected." Upon this the

Lord *Delawar* represented, 'That after the

* R. Blackburn, R. Cassills, J. Bernardi, R. Meldrum, and J. Chambers, were committed to Newgate, in March and April 1695, for conspiring the murder and assassination of king William III. in the 7th and 8th of whose reign and since, several acts were passed for continuing their imprisonment, from time to time, but all of them expired at the demise of queen Anne.

† Charles viscount Townshend, who now took the lead in the administration, was eldest son of Sir Horatio Townshend, who was so highly instrumental in forwarding the restoration of Charles 2. that in 1661 he was created a peer, and in 1682 raised to the dignity of viscount. Charles took his seat in the house of peers in 1697, attached himself to Somers, and acted so cordially with the Whigs, that when William formed a new administration, principally composed of that party, a rumour was circulated, that he was appointed privy seal. In 1706, he was nominated one of the commissioners for settling the union with Scotland; in 1707, captain of the yeomen of the queen's guard, and in 1709, accompanied the duke of Marlborough to Gertruydenberg, as joint plenipotentiary, to open a negotiation for peace with France; he was deputed in the same year ambassador extraordinary to the states general, and concluded with them the barrier treaty. Soon after the change of the Whig administration he resigned his embassy, was removed from his post of captain of the yeomen, and censured by the Tory House of Commons for having signed that treaty. During the early part of the reign of queen Anne, on account of his youth, he had acted only a subordinate part; but towards the close of that reign his services and decisive conduct raised his consequence, and he gained great accession of character, with his party, on being prosecuted at the same time with the duke of Marlborough.

"With parts more solid than specious, Townshend acquired unremitted assiduity, and from long experience, the talent that rendered him an able man of business, which was the principal object of his ambition. Though plain in his language, and often perplexed in argument, yet he spoke sensibly, and with a thorough knowledge of his subject. He was firm, generous, disinterested, of unblemished integrity, and unsullied honour: but he was warm, impetuous, and impatient of contradiction. Initiated in diplomatic transactions during the congress at Gertruydenberg and the Hague, he cherished too great an attachment to negotiation, and was apt to propose bold and decisive measures, which the temperate and pacific disposition of Walpole was continually employed in counteracting.

"During the two months which immediately preceded the queen's death, and the interval which ensued between that event and the arrival of the king, Townshend seems to have secured and governed Bothmar, and the other Hanoverian agents in England; to have supplanted Sunderland and Halifax, and to have obtained the entire confidence of the king, of which he had previously acquired a very distinguished share, by his great reputation for integrity and talents, by the recommendation of pensionary Heinsius, Slingelandt and other leading men of the Dutch republic, and by his uniform adherence to the cause of the Protestant succession.

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death of king William, the parliament had left to the discretion of the late queen either the continuing in prison, or enlarging of these criminals; That nobody doubted her late majesty's clemency, but that she had such a respect for the memory of king William, such a regard to the safety of crowned heads, and such an abhorrence for the crimes these prisoners stood charged with, that she did not think fit to release them from their confinement: That all these reasons were now enforced, by the open disaffection shown to his majesty's person and government, and that they ought to be so tender of the preservation of so precious a life, that, in his opinion, it were necessary to make the act in question absolute, and not leave the confinement of the criminals to his majesty's discretion, lest his natural clemency should make him overlook his own safety." Upon this the Petition was rejected without dividing.

Debate in the Commons on the Bill for regulating the Forces.] June 1. The Lords having sent to the Commons, the bill for the better regulating the Forces, &c. and the amendments to the bill by the Lords being read, a motion was made, That the further consideration of those amendments be adjourned, which was carried in the negative; and then those amendments being read a second time, were agreed to by the House.

Mr. *Shippen*, being, on this occasion, reflected on the administration, as if they designed to set up a standing army, and insinuated, as if, after all the great clamour that had been raised, their secret committee would end in smoke; he was taken up by

Mr. *Boscawen*, who said, "He could not forbear taking notice of the insolence of a certain set of men, who having committed the blackest crimes, had yet the assurance to dare the justice of the nation; but he hoped those crimes would not long remain unpunished. That the Committee of Secrecy were ready to make their report; and had directed their chairman to move the House the very next day; that a day might be appointed for receiving the said Report; and that, in the mean time he might venture to assure the House, that they had found sufficient matter to impeach of High Treason several lords and some commoners."

Mr. *R. Walpole* said, "That he wanted words to express the villainy of the last Frenchified ministry."

Mr. Secretary *Stanhope* added, he wondered, that men who were guilty of such enormous crimes, had still the audaciousness to appear in the public streets.

Mr. R. Walpole's Motion for receiving the Secret Committee's Report.] June 2. Mr Robert Walpole acquainted the House from the Committee of Secrecy, "That they had examined the Books, &c. referred to them, and had matters of the greatest importance to lay before the House; and that the committee had directed him to move the House, that a day might be appointed for receiving their Report." Upon which, after a small debate, it was ordered, that the said report be received upon that day sevennight; and that all the members do attend at that time, upon pain of incurring the highest displeasure of the House.

June 3 The king came to the House of Peers, and gave the royal assent to the Malt-bill and the Mutiny-bill, and his majesty being gone, the Commons returned to their house, and ordered that the Committee of Secrecy should have leave to sit during the adjournment of the House, who then adjourned till the 8th of June, by reason of the Whitsuntide holidays.

Mr. R. Walpole's Motion for apprehending such persons as should be named by the Chairman of the Secret Committee.] June 9. Mr. Robert Walpole, from the Committee of Secrecy, acquainted the House; "That he had a Report to present; according to their order, but that he had the commands of the Committee to make a motion to the House before he read the Report: That there are in the Report matters of the highest importance: That although the Committee had power to send for persons, papers, and records, they did not think fit to make use thereof, believing it to be necessary, in order to bring offenders to justice, that some persons should be secured, before it is possible they should know what they are to be examined to, and lest they should have notice from what should be read in the report, to make their escape, he was commanded by the committee, according to former precedents, to move, That a warrant may be issued, by Mr. Speaker, to apprehend certain persons who shall be named to him by the chairman of the said committee, and that no members may be permitted to go out of the House."

Hereupon it was ordered, 1. "That the lobby be cleared of all strangers, and the back doors of the Speaker's chamber be locked up,

"An early and intimate connection had been formed between Townshend and Walpole; they were distantly related, neighbours in the same county, and educated at the same school; they joined the same party, acted under the same leaders, underwent the same persecutions, and co-operated in the same opposition. The marriage which Townshend had contracted with Dorothy Walpole, in 1713, drew closer the bonds of amity, and added an union of blood to the connection of party. Walpole had performed too many essential services to the Hanover family, and was too able a speaker in the House of Commons, not to occupy a distinguished situation at the accession of George 1, and his connection with Townshend facilitated his promotion. Soon after the landing of the king, he was appointed, as I have already mentioned, paymaster general of the forces, to which was added the paymastership of Chelsea Hospital; very lucrative employments, in which he considerably improved his fortune." Coxe's Walpole.

and the key brought and laid upon the table; and that the Serjeant do stand at the door of the House, and suffer no member to go forth. 2. That Mr. Speaker do issue his warrant to the serjeant at arms attending the House, to take into his custody such persons as shall be named to Mr. Speaker by the chairman of the Committee of Secrecy, in order to their being examined before the said committee.

Hereupon Mr. Speaker issued out his warrant to the serjeant at arms, to take into his custody several persons that were named to him by Mr. Walpole, particularly Mr. Matthew Prior, and Mr. Thomas Harley, the first of whom was immediately apprehended, and the other some hours after.

The Report from the Secret Committee presented and read.] This done, Mr. Walpole acquainted the House, "That the Committee of Secrecy had perused the books and papers referred to them, and had agreed upon a report which they had commanded him to make; That it was contained in two books, one of which was the Report, and the other an Appendix to it, containing at large those letters and papers which were referred to in the report." And he read the Report in his place, and afterwards delivered the same in at the table, together with the Appendix and the books which were referred to the said committee. The reading of the said report having lasted from one till about six in the evening, a motion was made by the friends of the late ministry, and the question put, That the farther consideration thereof be adjourned till next morning, but it was carried in the negative, by 282 against 175, and ordered, that the Report be now read: And the clerk of the House having read part of it, till half an hour past eight, the farther consideration of it was adjourned.

Debate thereon.] June 10. The Commons resumed the adjourned consideration of the Report from the Committee of Secrecy, and the rest of the Report being read, which lasted till about four in the afternoon.

Sir *Thomas Hanmer* *, moved, That the consideration of the said Report be adjourned, till the 21st of the same month, and was seconded by the leading men among the friends of the late ministry, who moved also, That the said Report † be printed, to be perused by all the members of the House. Hereupon,

Mr. *Robert Walpole* said, "He could not but wonder, that those gentlemen who had shewed so great impatience to have the Report laid before the House, should now press for adjourning the consideration of it. That as for the Committee of Secrecy, as they had not yet gone through all the branches of their inquiry, they could have wished some longer time had been allowed them to peruse and digest several important papers. That in order to that they would have deferred three weeks or a month, the laying their report before the House; but that some gentlemen having reflected on the pretended slowness of the committee, since the said Report was now before them, they must even go through with it."

Mr. Secretary *Stanhope* added, "That for his own part, he would readily agree to give those gentlemen all the time they could desire to consider of the Report; but that since they themselves had precipitated this affair, he was of opinion, they ought to prosecute it with vigour, lest, by stopping on a sudden, they should fortify the notion, which the friends of the late ministry had with great industry propagated among the people, that the Report of the Committee of Secrecy would vanish into smoke; the rather, because these malicious insinuations had raised the spirits and insolence of the disaffected, and were the principal cause of the present ferment among the giddy multitude. That he agreed with the member who had moved for the printing of the Report: that not only the House, but the whole world, might be convinced of the fairness and impartiality of their proceedings; but that the crimes of some persons named in the Report were so obvious to every body, that they ought, in his opinion, immediately proceed to the impeaching of them."

Some proposed the adjourning the debate till one time, some till another; but the court party were resolved against any delays; and the question being put about seven in the evening, on the motion made by sir Thomas Hanmer, it was carried in the negative by 280 against 160.

Mr. R. Walpole impeaches Lord Bolingbroke of High Treason.] This point gained:

Mr. *Robert Walpole* said, "He made no question, that, after the Report had been twice read, the whole House was fully convinced, that Henry lord viscount Bolingbroke was guilty of High Treason, and other high crimes and misdemeanours: That therefore he impeached him of those crimes; but if any member had any thing to say in his behalf he doubted not but the House was ready to hear him."

After a deep silence in the House for some minutes,

Mr. *Hungerford* rose up and said, "That in his opinion, nothing was mentioned in the Report, in relation to the lord Bolingbroke, that amounted to High Treason."

General *Ross* said, He wondered no body spoke in favour of the lord Bolingbroke: That, for his own part he had nothing to say at present; but reserved to himself to speak in a properer time.

Lord Coningsby impeaches Robert earl of Oxford of High Treason.] The resolution for impeaching the lord Bolingbroke of High Trea-

* Speaker of the last Parliament. See vol. 6, p. 1252.

† For the whole of this important Report, together with the Papers therein referred to, see Appendix, No. I.

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san and other high crimes and misdemeanours, being passed,

Lord *Coningsby* stood up, and said, "The worthy chairman of the Committee has impeached the hand, but I do impeach the head; he has impeached, the clerk, and I the justice; he has impeached the scholar, and I the master. I impeach Robert earl of Oxford and earl Mortimer, of high treason and other high crimes and misdemeanours." Hereupon,

Mr. Auditor *Harley* * made a long pathetic speech; wherein he endeavoured to justify his brother, the earl of Oxford, as having done nothing but by the immediate commands of the late queen; urging, that the peace was a good one, and approved as such by two parliaments; concluding, that the facts mentioned in the Report, and which were charged on the earl, could not be construed to amount to high treason, but only in strict rigour, to misdemeanours. He was backed by

Mr. *Thomas Foley** the earl's brother-in-law, who complained of the burdship put upon that nobleman, in charging him with high treason, before they had examined the Report: but what was yet more favourable for the earl, was spoke by

Sir *Joseph Jekyll*, one of the Committee of Secrecy, who said, "That as to the lord Bolingbroke, they had more than sufficient evidence to convict him of high treason, upon the statute 25 Edward 3, but that as to the earl of Oxford, he doubted whether they had either sufficient matter or evidence to impeach him of treason."

But another member of the Committee of Secrecy having assured the House, That besides what had appeared before them, and was mentioned in the Report, they had other evidence, *viva voce*: It was resolved, without a division, "That this House will impeach Robert earl of Oxford and earl Mortimer, of high treason, and other high crimes and misdemeanours." And ordered, That it be referred to the Committee of Secrecy, to drew up Articles of Impeachment, and prepare evidence against Henry viscount Bolingbroke, and Robert earl of Oxford† and earl Mortimer. After this, it was ordered likewise, That the farther consideration of the said Report be adjourned; and that the said Report, with the Appendix, be printed.

June 11. The Commons ordered the Speaker to send a printed copy of the Report from the Committee of Secrecy to the sheriff of every county, and to the returning officer of every city and borough, sending members to parliament.

June 15. Mr. Walpole, from the Committee of Secrecy, acquainted the House, That he was directed by the Committee to move the House, That the persons taken into custody, pursuant to the order of the House of the 9th instant might be examined in the most solemn manner, according to former precedents. Upon which it was ordered, That such members of the Committee of Secrecy, who are justices of the peace for the county of Middlesex, should examine Mr. Matthew Prior, and Mr. Thomas Harley, of the said committee.

Mr. Prior ordered into close custody.] June 17. Mr. Walpole acquainted the House, That pursuant to their order, Matthew Prior, esq. had been, the day before, examined before the Committee of Secrecy, and during a long examination, there appeared matters of such importance, that the Committee had directed him to move the House, that he might be confined in close custody, and no person permitted to come to him: upon which it was ordered, That Mr. Matthew Prior,* now in custody of the Serjeant at arms, be confined in close custody, and no person permitted to come to him without leave from Mr. Speaker.†

Mr. Secretary Stanhope impeaches James Duke of Ormond of High Treason.] June 21. The House having, according to order, considered further of the report from the Committee of Secrecy,

Mr. Secretary *Stanhope* stood up and said, He wished he were not obliged to break silence on that occasion; but that as a member of the Secret Committee, and of that great assembly which ought to do the nation justice, he thought it his duty to impeach James duke of Ormond of high treason, and other high crimes and misdemeanours: He was seconded by Mr. Boscawen. Hereupon

Mr. *Archibald Hutcheson* made a long speech in behalf of the duke of Ormond, wherein he set forth his noble birth and qualifications; and the great services which both he and his illustrious ancestors had performed to the crown and nation; urged, That in the whole course of his late conduct, he had but obeyed the late queen's commands; and concluded, That if all that was alledged against his grace in the report could be made out, it would, in the rigour of the law, amount to no more than high misdemeanours. This speech made a

* Both of them Auditors of the Imprest for life.

† "The next morning the earl of Oxford went to the House of Peers, and at first appeared undisturbed, but finding that most members avoided sitting near him, and that even earl Powlet was shy of exchanging a few words with him, he retired out of the House." Tindal.

* One of the Commissioners of Trade and Plantations.

† "This order occasioned various reports: some affirmed, that the earl of Oxford, or some of his friends, had been in close conference with Mr. Prior, and so effectually tampered with him, that he was more reserved in answering questions than he had been before. However that be, it is certain, Mr. Prior did prevaricate." Tindal.

The account of what passed at Mr. Prior's Examination, as drawn up by his own hand, will be found in the Appendix, No. II.

great impression on the House; and Mr. Hutcheson was seconded by

General *Lumley*, who said among other things, That the duke of Ormond had, on all occasions, given signal proofs both of his affection and love for his country, and of his personal bravery and courage, particularly at the battle of Landen, where he was wounded and taken prisoner; and that the late king William was extremely satisfied with his grace's gallant behaviour. That his grace had generously expended the best part of his estate in the wars, living in a most noble and splendid manner, for the honour of his country: that therefore in consideration both of his great services, and his illustrious relations, if he had of late been so unfortunate as to fail in any part of his conduct, they ought not to proceed against him with the utmost rigour of the law; the rather because he ever meant well, and was drawn into ill measures by crafty ministers.

Sir *Joseph Jekyll* spoke likewise in favour of the duke of Ormond: he said, That if there was room for mercy, he hoped it would be shewn to that noble, generous and courageous peer, who for many years, had exerted those great accomplishments for the good and honour of his country. That if of late he had the misfortune to deviate from his former conduct, the blame ought not, in justice and equity, be laid to him, but to them principally, who abusing his affection, loyalty and zeal for the service of his royal mistress, had drawn him into pernicious counsels: that therefore, as the statute of the 25th Edward 3, on which the charge of high treason against his grace was to be grounded, had been mitigated by subsequent laws, the House ought not, in his opinion, to take advantage of that act against the duke, but only impeach him of high crimes and misdemeanours. He added, That some persons endeavoured to aggravate the duke of Ormond's faults, by charging upon him the riots and tumults which the populace committed daily in many places; but that he durst aver, that his grace did no ways countenance those disorders; and if the disaffected made use of his name, unknown to him, his grace ought not to suffer for it.

General *Ross* laid great stress upon sir Joseph Jekyll's opinion, and said all he could in his commendation, and the duke's defence.

Sir William Wyndham, Mr. Thomas Onslow, Mr Ward, Mr. Hungerford, and some other members of both parties, spoke also on the same side but Mr. Lyddal, member for Lestwithiel, Mr Hampden, and Mr Thompson strongly supported general Stanhope's motion; answered all that had been alledged in the duke's favour; and among other things represented, That he ever affected popularity; that he could not be ignorant of the tumults and riots of which his name was the signal; and that since he did not publicly disown them who made use of his name, his silence was a tacit approbation of their proceedings, and seemed to summon the people to a general insurrection.

Sir *Edward Northey* (Attorney General), said that he did not disown, but that in the Report of the Committee of Secrecy, there were some matters, on which an impeachment of high treason might be grounded against the duke of Ormond, but he did not think it proper to explain himself farther on that occasion.

Mr. *Lechmere*, Solicitor General, spoke plainer, and mentioned a case parallel to the duke's, which had been adjudged treason.

This debate lasted from one till about half an hour past ten, when the question was put, and resolved by a majority of 234 voices against 187, to impeach James duke of Ormond of high treason, and other high crimes and misdemeanors. After which it was ordered, "That it be referred to the Committee of Secrecy to draw up Articles of Impeachment, and prepare evidence against James duke of Ormond *;

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* " After these impeachments, that of the duke of Ormond became the principal subject of discourse. The high-church party made his name the signal for their tumults, threatening the government and parliament too, if they proceeded against him. His zeal for the church was their chief topic to excite the mobs to appear for him; and his noble birth, and the services of his ancestors, and of himself in Flanders, during king William's reign, were insisted upon. Nor was his generosity, or rather profuse way of living, omitted, to prepossess the people in his favour: but all signified nothing; for though the king at his first arrival, shewed more lenity and respect to him, than his conduct deserved, and seemed willing to pass by his miscarriages, while general, as far as possible, the behaviour of the duke and his friends was such, as made it impracticable; for instead of discouraging the mobs, who were taught to cry out, an Ormond, in opposition to king George, he plainly countenanced them, and took a great deal of pride to be the idol of the rabble. He affected to have people of quality appear at his levee, and frequent his house; and, instead of behaving himself submissively, had the vanity to justify his conduct in a printed piece, which in reality exposed him more to censure. About the middle of June, the following advertisement was dispersed with great industry: ' On Tues-' day, the 7th, of this month, her grace the ' duchess of Ormond, in her return from Rich-' mond, was stopped in her coach, by three per-' sons, well mounted, and well armed, in dis-' guise, who inquired if the duke was in the ' coach, and seemed to have a design upon his ' life, if he had been there. It has been ob-' served, that many persons, armed and dis-' guised in like manner, have been watching by ' day and by night upon that road, on each side ' of the water, and it is not to be doubted, with ' a design to assassinate him.' This being evidently calculated to excite the fury of the populace against the duke's supposed enemies, the rest of his conduct could not but alarm the government, and perhaps provoked the House of Commons to proceed against him sooner.

and that the farther consideration of the said Report be adjourned to the next morning."

Mr. Aislaby impeaches Thomas Earl of Strafford of high Crimes and Misdemeanors.] June 22 The Commons resumed the consideration of the Report from the Committee of Secrecy, and

Mr. *Aislaby*, who spoke first, took notice of the general concern that had appeared the day before in the House, for the noble person that was impeached; because they were persuaded, it was rather through weakness than malice that he had followed pernicious counsels, but that, in his opinion, few if any, would speak in favour of another lord, whom he was to impeach That the person he meant, was Thomas earl of Strafford, one of the plenipotentiaries of Great Britain at the congress of Utrecht, whose conduct had been vastly different from that of his colleague, the lord bishop of London (Dr. John Robinson) That this good and pious prelate seemed to have been put at the head of that negociation, only to palliate the iniquity of it, under the sacredness of his character; but was little more than a cypher in the absence of the earl of Strafford. That the bishop not being in the secret had acted with reserve and caution, and would do nothing without the queen's special commands; whereas the earl of Strafford not only was forward to vantore and undertake any thing, as he expresses himself in one of his letters, to be the tool of a Frenchified ministry; but in many instances had gone beyond his instructions, and advised the most pernicious measures. That having impartially weighed the different conduct of these two ministers, he was glad that nothing could be charged upon the bishop, since it gave them an opportunity to convince the world that the church is not in danger. But moved, That Thomas earl of Strafford be impeached of high crimes and misdemeanours. Mr. Aislaby afterwards enlarged upon this charge, which he reduced to these three principal heads, viz. 1. The earl of Strafford's advising the fatal suspension of arms, which was soon after attended with several misfortunes that befal the allies; and at last reduced them to the necessity of submitting to the terms of an unsafe, dishonourable peace. 2. Advising the seizing of Ghent and Bruges, in order to distress the allies, and favour the enemy. 3. The insolence and contempt with which he had treated the most serene House of Hanover, and their generals and ministers.

Mr Bailie, having seconded Mr. Aislaby,

Sir *William Wyndham* endeavoured to justify the earl of Strafford, as to the first head, by saying, That the peace, which was but the sequel and necessary consequence of the suspension of arms, had been approved as such by two successive parliaments, and declared advantageous, safe, and honourable. Mr. Shippen, Mr. Ward, and Mr. Snell, member for Gloucester, spoke also in favour of the earl of Strafford; as did also

Mr. *Hungerford*, who among other things, said, that though the bishop of London had an equal share with the earl of Strafford in the negociation of peace, he was, it seems, to have the benefit of his clergy. General Ross having likewise said something to excuse the suspension of arms:

General *Cadogan* answered, that considering the situation of both armies, the confederates lost the fairest opportunity they ever had in Flanders, to destroy the enemy's army, and to penetrate into the very heart of France; but added, that nothing less could be expected from a princess and a ministry, who had entirely delivered themselves into the hands of France.

Sir *James Campbel* spoke also against the earl of Strafford.

Sir *David Dalrymple* summed up what had been said on both sides; and having illustrated the present case by parallel instances and proper observations, urged, that both by the civil and statute laws, the earl of Strafford was, at least, guilty of high crimes and misdemeanors.

Hereupon, about seven in the evening, the question was put, and by 268 voices against 100, it was resolv'd, "That the House will impeach Thomas, earl of Strafford, of high crimes and misdemeanors;" and ordered, That it be referred to the Committee of Secrecy, to draw up Articles of Impeachment and prepare evidence against the said earl.

Mr. Walpole from the Committee of Secrecy reports the Articles against the Earl of Oxford.] July 7. Mr. Robert Walpole, from the Committee of Secrecy, acquainted the House, "That the committee having prepared articles of impeachment of high treason and other high crimes and misdemeanors, against Robert earl of Oxford and earl Mortimer, had commanded him to acquaint the House, that they should, in a short time, have farther articles against the said earl; and that the committee had directed him to report the articles, already prepared, to the House." And he read them in his place, and afterwards delivered them in at the table, where they were once read.

After this it was moved, that the farther con-

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and with more vigour, than they would otherwise have done. It was the general opinion, that the rash, unadvised behaviour of the duke's pretended friends, of whom bishop Atterbury was chief, greatly promoted this vote. It was said upon very good grounds, that a relation of the duke's had prevailed upon him at that time to write a submissive letter to the king, desiring a favourable interpretation of his former actions, and imploring his majesty's clemency: which had so good an effect, that he was to have been privately admitted to the king in his closet, to confirm what he had written. But, before the time came, bishop Atterbury had been with him, and the consequence was, that he left England abruptly, and never returned to it more." [Pindar.]

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sideration of the said articles he adjourned to that day sennight; but it was carried, without dividing, that the said report he read a second time the next day. At which time the first ten articles of impeachment against Robert earl of Oxford and earl Mortimer, were read a second time; and upon the question severally put thereupon, with amendments to some of them, there was a long debate from two till eight in the evening, when they were agreed to, by 280 against 125. Then a motion being made and the question put, That the farther consideration of the said Report be adjourned till the next morning, the same was carried in the negative, by 247 against 139.

Hereupon the eleventh article was read a second time, and amended by the House; and then there arose a great debate, upon the question, Whether the said article was high treason? Sir Robert Raymond, Mr. Bromley, sir William Wyndham, Mr. Edward Harley, Mr. Thomas Foley, Mr. Ward and Mr. Hungerford maintained the negative; and were strongly supported by

Sir *Joseph Jekyll*, one of the Committee of Secrecy, who said, "That it was ever his principle to do justice to every body, from the highest to the lowest; being persuaded, that it was the duty of an honest man never to act by a spirit of party. That he hoped he might pretend to have some knowledge of the laws of the kingdom; and as in the committee of secrecy, he had taken the liberty to differ from his colleagues, he would not scruple to declare now to the whole House, that, in his judgment, the charge in question did not amount to high treason." Most of the other members of the Committee of Secrecy were offended at this speech, and thereupon

Mr *Robert Walpole* answered, That there were both in and out of the Committee of Secrecy, several persons who did not, in the least, yield to the member that spoke last, in point of honesty; and who, without derogating from his merit, were superior to him in the knowledge of the laws; but who at the same time, were satisfied that the charge specified in the eleventh article amounted to treason.

Mr. Walpole was backed by general Stanhope, the lord Coningsby, general Cadogan, Mr. Boscawen, and Mr Aislaby; and the eleventh article being amended, the same was agreed to by the House, by 247 votes against 127.

Mr. Auditor *Harley* endeavoured to justify the earl of Oxford, 1. By urging that he ever acted by the late queen's positive commands; to prove which he offered to produce two letters from her majesty; and 2. The necessity of making a peace; he having upon this occasion, advanced, that the Dutch prolonged the war, and that their deputies in the army had often prevented the giving the enemy a decisive blow.

General *Cadogan* answered, that the Dutch were more concerned than any prince or state in the grand alliance to put an end to the war; and undertook to prove, that there had not been any campaign in Flanders, except that in which the duke of Ormond commanded, that was not marked and famous to all posterity for some signal and glorious event, to the advantage of the common cause?

The said Articles agreed to; and ordered to be carried to the Lords.] Then the rest of the sixteen articles were severally read a second time, and with amendments to some of them, agreed unto by the House, who ordered, "That the said articles be engrossed, and, that a clause be prepared, saving liberty to the Commons to exhibit any farther Articles against the said Robert, earl of Oxford and earl Mortimer; and that he may be sequestered from parliament, and committed to safe custody."

July 9. The above clause was offered to the House; and being twice read and agreed to, was ordered to be engrossed with the Articles of Impeachment. The same day the engrossed Articles of Impeachment against Robert, earl of Oxford and earl Mortimer, were read; after which it was ordered, 1. That the Lord Cowingsby do carry the said Articles to the Lords: 2. That his lordship be directed, before he exhibit the said Articles to the Lords, to impeach Robert earl of Oxford and Mortimer, to the effect following, viz.

"My Lords;

"The Commons assembled in parliament having received information of divers traiterous practices and designs of a great peer of this House, Robert earl of Oxford and earl Mortimer; have commanded me to impeach the said earl of Oxford and earl Mortimer, of high treason, and other high crimes and misdemeanours: And I do here in their names, and in the names of all the Commons of Great Britain, impeach Robert, earl of Oxford and earl Mortimer of high treason, and other high crimes and misdemeanors. I am farther commanded by the House of Commons to pray and demand of your lordships, that the earl of Oxford and earl Mortimer may be sequestered from parliament, and forthwith committed to safe custody."

THE ARTICLES OF IMPEACHMENT AGAINST THE EARL OF OXFORD AND EARL MORTIMER.] After this, the lord Coningsby, attended by most of those members who voted for the impeachment, went up to the House of Peers, and at their bar impeached Robert earl of Oxford and earl Mortimer, in the form above mentioned; and then left with their lordships the Articles of Impeachment against the said earl, which were read as follows:

ARTICLES OF IMPEACHMENT of High Treason, and other High Crimes and Misdemeanors, against ROBERT Earl of OXFORD and Earl MORTIMER.

"Whereas many solemn treaties and alliances, have been formerly entered into, between the crown of England and other Princes and Potentates of Europe, for their mutual safety,

and from the considerations of the common danger which threatened all Christendom from the immoderate growth of the power of France: and whereas the preventing the monarchy of Spain from coming into the hands of the House of Bourbon has for many years been a fundamental principle and maxim of union among the Allies in order to preserve a just balance of power in Europe; and, to that end, as the designs of France on the monarchy of Spain have from time to time appeared, new treaties and express stipulations have been entered into amongst the Allies, to strengthen themselves against that approaching danger; and, on this foundation, a treaty for an intended partition, whereby a small part only of the dominions of the crown of Spain was allotted to the house of Bourbon, was condemned by the wisdom of Parliament, as being highly prejudicial and fatal in its consequences to England, and the peace of Europe; and whereas the duke of Anjou, grandson to the king of France, on the demise of Charles the 2nd, king of Spain, took possession of the entire monarchy of Spain, whereby the balance of power, the Protestant Religion and the liberties of Europe, were threatened with immediate danger; whereupon Leopold then emperor of Germeny, his late majesty king William the third of ever-glorious memory, and the States General of the United Provinces, finding, at that most critical juncture, that a strict conjunction and alliance between themselves was become necessary, for repelling the greatness of the common danger from so great an accession of power to the then common enemy, did, in the year of our Lord, 1701, make form and conclude, a new treaty and alliance, whereby it was agreed, "That there shall be and continue between the said confederates, his sacred imperial majesty, his sacred royal majesty of Great Britain, and the lords the States General of the United Provinces, a constant, perpetual, and inviolable friendship and correspondence; and that each party shall be obliged to promote the advantages of the other and prevent all inconveniencies and dangers that might happen to them, as far as lies in their power: that the said Allies desiring nothing more earnestly than the peace and general quiet of all Europe, have adjudged, that nothing can be more effectual for the establishment thereof, than the procuring an equitable and reasonable satisfaction to his imperial majesty, for his pretension to the Spanish succession; and that the king of Great Britain and the States General may obtain a particular and sufficient security for their kingdoms, provinces and dominions, and for the navigation and commerce of their subjects; that the said confederates therefore shall, in the first place, endeavour by amicable means to obtain the said satisfaction; but if, contrary to their expectation and wishes, the same is not had, the said confederates do engage and promise to one another, that they will assist each other with all their forces, according to a specification to be agreed upon in a peculiar convention for that purpose: that the confederates, in order to the procuring the satisfaction and security aforesaid, shall, amongst other things, use their utmost endeavours to recover the provinces of the Spanish Low Countries, that they may be a fence and rampart, commonly called a Barrier, separating and dividing France from the United Provinces, for the security of the States General as they have served in all times, till of late that the most Christian king has seized them by his forces; as likewise the duchy of Milan, with its dependances, as a fief of the empire, and contributing to the security of his imperial majesty's hereditary dominions. besides the kingdoms of Naples and Sicily, and the lands and Islands upon the coast of Tuscany in the Mediterranean, that belonged to the Spanish dominions, and may serve to the same purpose, and will be also of advantage to the navigation and commerce of the subjects of the king of Great Britain and of the United Provinces: that, in case the confederates shall be forced to enter into a war, for obtaining the satisfaction aforesaid for his imperial majesty, and the security of his majesty of Great Britain and the States General, they shall faithfully communicate their designs to one another, as well in relation to the actions of the war, as all other things wherein the common cause is concerned: that it shall not be permitted to either party, when the war is once begun, to treat of peace with the enemy, unless jointly and by a communication of counsels; and no peace shall be made unless an equitable and reasonable satisfaction for his imperial majesty, and the particular security of the kingdoms, provinces, dominions, navigations, and commerce, for his majesty of Great Britain and the States General be first obtained; and unless care be taken, by fitting security, that the kingdoms of France and Spain shall never come and be united under the same government, nor that one and the same person shall be king of both kingdoms, and particularly, that the French shall never get into the possession of the Spanish Indies; neither shall they be permitted to sail thither, on the account of traffic directly, or any pretence whatsoever; and lastly, unless full liberty be granted unto the subjects of the king of Great Britain and the States General, to exercise and enjoy all the same privileges, rights, immunities and franchises of commerce, by sea and land, in Spain, the Mediterranean, and all lands and places which the king of Spain last deceased did possess at the time of his death, as well in Europe as elsewhere, which they used and enjoyed or which the subjects of both or either of them by any right, acquired by treaties, agreements, customs, or any other way whatsoever, might have used and enjoyed before the death of the late king of Spain: that, at the same time that this said agreement or peace shall be made, the confederates shall agree amongst themselves about all the things that they shall think necessary, for maintaining the navigation and commerce of the subjects of his majesty of Great Britain and the States General in the

lands and dominions they may acquire, and that were possessed by the late deceased king of Spain; and also in what manner the States General may be secured by the aforesaid Fence or Barrier." And whereas his said late majesty king William and the States General, seriously considering that France was then become so formidable, from the accession of Spain to the duke of Anjou, that, in the opinion of all the world, Europe was in danger of losing her liberty and undergoing the heavy yoke of universal monarchy; and that the surest means of effecting that design were, to divide the king of Great Britain from the States General, for which purpose all imaginable efforts would be made: they therefore thought it necessary to unite in the strictest manner that was possible; and, to that end, a defensive treaty and alliance was concluded and entered into between them, in or about the month of November 1701, wherein it was, among other things, agreed, "That, in case the said High Allies should be jointly engaged in war, by reason of this defensive alliance before mentioned in the fifth article, or on any other account, there shall be an offensive and defensive and perpetual alliance between them, against those with whom the war shall be, and all their forces shall be employed by sea and land, and they shall act in conjunction or separately, as it shall be agreed between them:" that, since, in the alliance with the emperor, made in September last, particular care was taken of the recovery of the Spanish Low Countries out of the hands of the most Christian king, the said confederates expressly engage to aid one another with all their forces, for the recovery of the same; and in regard the principal interest of the said confederates consists in the preservation of the liberties of Europe, the before-mentioned treaty with the emperor shall be faithfully and sincerely executed, and both sides shall guaranty the same, and use their endeavours to confirm and render it more strong from time to time: that, in making peace, particular care shall be taken of the commerce and traffic of both nations; as also for their security, as well in regard to the Low Countries, as the countries adjacent: that when the war is begun, the confederates shall act in concert, according to the seventh and eighth articles of the treaty of the 3d of March in the year of our Lord 1677--8, between England and Holland, which is hereby renewed and confirmed; and no peace nor truce, or suspension of arms, shall be negotiated or made, but according to the ninth and tenth articles of that treaty; by which it was agreed, "that, when the two allies come once to an open war, it shall be lawful for neither of them afterwards to come to any cessation of arms with him who shall be declared and proclaimed an enemy, without it be done conjointly and with common consent:" that no negotiation of peace shall be set on foot by one of the allies without the concurrence of the other: that each ally shall continually, and from time to time, impart to the other every thing that passes in the said negotiation; and shall stipulate with the common enemy for the same rights, immunities, exceptions, and prerogatives, for his ally, as he does for himself, if so he the said allies do not agree to the contrary." And whereas the French king, having got possession of a great part of the Spanish Dominions, exercised an absolute authority over that monarchy, having seized Milan and the Spanish Low Countries by his armies, and made himself master of Cadiz, of the entrance into the Mediterranean, and of the ports of the Spanish West Indies, by his fleets, every where designing to invade the liberties of Europe, and to obstruct the freedom of navigation and commerce; and, instead of giving the satisfaction that ought justly to be expected, had proceeded to further violences and had taken on him to declare the pretended prince of Wales, king of England, Scotland, and Ireland, and had also influenced Spain to concur in the same affront; her late majesty queen Anne, taking notice, "That she found herself obliged, for maintaining the public faith, for vindicating the honour of the crown, and to prevent the mischiefs which all Europe was threatened with, to declare war against France and Spain," did accordingly, in the month of May 1702, in the most public and solemn manner declare war against France and Spain; and, in the said declaration, placing her entire confidence in the help of Almighty God, in so just and necessary an undertaking, declared, "That she would, in conjunction with her allies, vigorously prosecute the same, both by sea and land; being assured of the ready concurrence of her subjects, in a cause they had so openly and heartily espoused:" And his imperial majesty and their high mightinesses, pursuant to the treaties aforementioned, respectively, in or about the said month of May 1702, did likewise declare war against France and Spain: And whereas the kings of Portugal and Prussia, the electors of Hanover, Saxony, Treves, Mentz, Palatine of the Rhine, the duke of Savoy, the prince of Hesse, the dukes of Wolfenhattle, Mechlenburg, and Wirtemburg, the circles of Suabia and Franconia, and of the Upper Rhine, the bishops of Munster and Constance, and other princes and powers, being invited by the said grand alliance, and relying on the faith thereof, did afterwards become parties to the said confederate war against France and Spain; and, in the treaty entered into in or about the month of May 1703, between his imperial majesty, the queen of Great Britain, the States General, and the king of Portugal, it is, amongst other things, expressly stipulated, "That no peace nor truce shall be made, but by the mutual consent of all the confederates; nor shall any at any time be made, whilst the second grandson of the most Christian king, by the Dauphin, or any other prince of the line of France, continues in Spain; nor unless the crown of Portugal shall fully possess and enjoy all the lands, kingdoms, isles, castles, cities, towns, &c. with their territories and dependances, in

Spain or elsewhere, which it now possesses;" and in the treaty of Norlingen, ratified by her late majesty, it is, amongst other things, expressly agreed "that it shall not be allowed to make particular treaties; but the peace shall be jointly treated of, and shall not be concluded, without obtaining, as far as is possible, the reunion of the lands belonging to the circles, and until, at least, the security of the associated circles be absolutely provided for in the best manner that is possible, and better than it has formerly been." And whereas to give the greatest strength that was possible to the union so necessary to both nations, her late majesty and the States, by a treaty in the month of June 1701, renewed and confirmed all treaties and alliances then subsisting between them; and therein it is amongst other things, expressly and particularly stipulated, "That, as the said most serene queen and the lords the States General are now in war with France and Spain, and are reciprocally bound to assist each other, and mutually to defend, maintain, and preserve their countries and subjects, in their possessions, immunities, and liberties, as well of navigation and commerce, as other rights whatsoever by sea and land, against, and in opposition to, all kings, princes, and states, and particularly against France and Spain, to the end a just and reasonable peace may the better be obtained, and may establish the repose and tranquillity of Europe; it is agreed, between the most serene queen of Great Britain and the said lords the States General, that neither of the said allies shall make a suspension of arms, or a peace, with France or Spain, or any other king, prince, or state, who shall molest or attack either of the said allies, but in conjunction, and by common consent." And whereas the said war was, for several years, carried on with vigour and unanimity, by her majesty and her allies, at a vast expense both of blood and treasure; for the support of which, on the part of England, many millions have been granted by parliament; who on many occasions since, continued not only to express their sense of the justice and necessity of the war, but did frequently give their humble advice to the throne, "That no peace could be safe, honourable or lasting, so long as the kingdom of Spain and the West Indies continued in the possession of any branch of the house of Bourbon." And whereas it pleased Almighty God to grant to the confederate arms, under the command of their great and victorious general the duke of Marlborough, such unparalleled successes as exceeded even their own hopes and the fears of the enemy; and by the many signal victories of Schellenberg, Hochstedt, Audenarde, and Ramellies, as well as the conquests of the Electorates of Bavaria and Cologne, and the reduction of the Spanish Netherlands, and many other great advantages both by sea and land, and by the wisdom and unanimity of their councils, the glory of the confederate arms, and the reputation of Great Britain in particular, was raised to an higher pitch than in any former age: And whereas her late majesty in conjunction with her allies, wisely foreseeing, that, whenever the enemy should be brought to make overtures of peace, the surest way to put an end to the war, and prevent France from putting in practice her usual intrigues, was, by previously insisting on such conditions from France, that nothing might remain to be done in a general assembly, but to give them the form of a treaty, and, for those reasons, a preliminary treaty was concluded on, and was afterwards signed by the Plenipotentiaries of his imperial majesty, of her late majesty the queen of Great Britain, and of the lords of the States General of the United Provinces, and afterwards ratified by their principals, wherein the interests of the several allies were adjusted, in order to a general treaty of peace with France; and therein the restitution of the Spanish monarchy to the house of Austria, being one of the chief causes for carrying on the war, is laid down as an immutable foundation among the allies: and whereas in the year of our Lord 1709, the king of France, having first signified his consent to the restitution of the Spanish monarchy to the house of Austria, sent his ministers to the Hague, to treat with the ministers of the principal allies on a general peace; and in the conferences held thereupon, the interests of all the allies, as adjusted in the said preliminaries, were positively and expressly agreed to by the ministers of France, and particularly that of the restitution of the entire Spanish monarchy to the house of Austria; and the said negociation was afterwards broke on no other dispute but on the 37th article of the preliminary treaty, concerning the time and manner of evacuating Spain: and whereas, the conferences being resumed at Gertruydenberg, in the year of our Lord 1710, the said 37th article became the only subject of the negociation which was there set on foot, for the finding out some equivalent, by which the same security might be given to the allies as they had by the 37th article of the said preliminaries; and though it was unquestionable, that before any negociation was begun, that while the preliminaries were treating, that by those preliminaries themselves, that before the last negociation was resumed, and all the while it lasted, the restitution of Spain and the Indies was laid down as a firm and immoveable foundation of the negociation, and no question remained concerning it, with the ministers of the allies, or those of France, but though all reasonable and prudent overtures were made by the allies, for settling an equivalent; yet the conferences were broke off by France, without any satisfaction therein: and whereas the sincere intentions of all the allies, to have settled the peace of Europe on solid and equitable foundations, were notorious and incontestable, and the rupture of the said negociations could only be imputed to the enemy; her sacred majesty, in conjunction with her allies, renewed their resolutions to continue

and push the war with vigour, and to make all possible efforts, as the only means left to force a good and general peace: and her majesty, in her speech from the throne, on the fifteenth of November 1709, taking notice of the endeavours of the enemy, during the said negociations, to amuse and create jealousies among the allies, declared her resentment thereat, and earnestly recommended "the carrying on the war, and a vigorous prosecution of the advantages obtained, that she might put the last hand to that great work, of reducing the exorbitant and oppressive power, which had so long threatened the liberties of Europe." And it having pleased Almighty God after the said preliminary treaty, to bless the confederate army, under the command of their consummate general the duke of Marlborough, with new and signal conquests, the reduction of Tournay, the victory of Tasnieres, the taking of Mons and Douay, Bethune, St. Venant, and Aire, and the penetrating the lines near the Scarpe: and whereas, from the prosperous condition of the affairs of the allies, and the wisdom, firmness, and unanimity of their councils, nothing remained, in all human appearance, but that they should reap the fruits of all their victories, in a speedy, just, honourable, and lasting peace; and, on the other hand, nothing was left to raise the hopes of the enemy, whereby to defeat that happy prospect, but the success of their secret endeavours to disunite the confederacy: and whereas, Robert earl of Oxford and earl Mortimer, with other evil minded persons, enemies to the true interests of their own country, as well as to the common liberties and welfare of Europe, having by many wicked arts and base insinuations, obtained access to her late majesty queen Anne; and in or about the months of July or August 1710, being admitted into her councils, and into places of the highest trust; and to make way for their wicked enterprizes, did by their evil counsel and advice, prevail on her majesty to dissolve a parliament, which had given the most unquestionable proofs of their great wisdom, and of their true zeal for the common cause; for which as well for the many marks of duty and affection given to her, her majesty returned her hearty thanks, and expressed her great satisfaction: and whereas the said Robert earl of Oxford and earl Mortimer, and others his accomplices, had formed a treacherous correspondence with the emissaries of France, by means whereof, certain propositions were transmitted from France to England, signed by Monsieur de Torcy secretary of the king of France, in the month of April 1711, to be the basis of a treaty of a general peace; which propositions, though her majesty was prevailed on, by the false counsels of the said Robert earl of Oxford and earl Mortimer and others, to receive as a sufficient foundation for a treaty of a general peace, and as such to communicate them to the grand pensionary and the ministers of Holland; her majesty however was graciously pleased, at the same time to declare to them her pleasure, by her secretary of state, "That, being resolved, in making peace as in making war, to act in perfect concert with the States, she would not lose a moment in transmitting a paper of that importance; and that though the propositions were general, and contained an air of complaisance to her majesty, and the contrary towards the States; yet that could have no ill consequences, as long as her majesty and the States understood one another, and acted with as little reserve as became two powers so nearly allied in interest; and that the Pensionary should be assured, that that rule should be inviolably kept on her part." Which gracious declaration of her majesty, as well as the said propositions, being maturely considered by the grand Pensionary and the ministers of Holland; an answer was returned from them to her majesty, full of duty and thankfulness for the obliging manner in which she was pleased to communicate the said propositions; and with the utmost assurances of mutual confidence, so necessary to prevent the designs of the enemy; but more particularly, that the States desired equally with Great Britain, to have a general, definitive, and lasting peace; and declared, "That they were ready to join in all the most proper measures to procure it; that the propositions were yet too general; and that the States desire, as Great Britain did, that France would explain herself more particularly upon the points therein contained, and impart a plan which she thinks the most proper to secure the interest of the allies, and settle the repose of Europe; after which, a more particular negociation might be entered into." Notwithstanding all which premises,

ARTICLE I.

"He the said Robert earl of Oxford and earl Mortimer, having no regard to the honour or safety of her late majesty or her kingdoms, or to the many solemn engagements she was then under to the old and faithful allies of this nation, or to the common liberties of Europe; but, being devoted to the interest and service of the French king, the common enemy, and being then lord high treasurer of Great Britain and one of her majesty's most honourable privy council, contrary to his oath, and in violation of his duty and trust, and in defiance of the tenor of the several treaties aforementioned, or some of them, as well as the frequent advices of parliament, and the many declarations of her majesty from the throne; but more particularly in defiance of the solemn and mutual assurances which had been so lately renewed between her majesty and the States, to act in perfect concert with them, in making peace, as in making war; did, on or about the months of July or August, in the year of our Lord 1711, maliciously and wickedly, form a most treacherous and pernicious contrivance and confederacy with other evil disposed persons, then also of her majesty's privy council, to set on foot [illegible] dishonourable,

and destructive negociatioo of peace between Great Britain and France, without any communication thereof to her majesty's allies, according to their several treaties; and was not only wanting in his doty and trust to her majesty, by not opposing, and as far as was in his power, by not advising her majesty against going into any private separate negociation with Fraoce; but in executioo of his purposes aforesaid, he the said Robert earl of Oxford and earl Mortimer did advise her late majesty to send Matthew Prior, esq. directly to the court of France, to make propositions of peace, without communicating the same to her majesty's allies; and accordingly the said Matthew Prior, by the advice, and with the privity, of him the said earl of Oxford and earl Mortimer, and other false and evil counsellors, in or about the mooths of July or August in the year of our Lord 1711, was sent, in a clandestine manner, from England to France, and did communicate the said propositions of peace to the ministers of France, in which the particolar interests of Great Britain, as well as the common interests of Europe, were shamefully betrayed; and in manifestation of his said design to exclude her majesty's allies from their just share in the said negociations, an express article was inserted in the said propositions, by the privity and advice of him the said Robert earl of Oxford and earl Mortimer, "that the secret should be inviolably kept, till allowed to be divulged by the mutoal consent of both parties;" although the French king had in the propositioos signed by Monsieur de Torcy, and traosmitted in the mooth of April preceding, offered to treat with the plenipotentiaries of England and Holland alooe, or jointly with those of the allies, at the choice of England: By which treacherous aod dangerous advice, he the said Robert earl of Oxford and earl Mortimer did not only contrive and set on foot a negociation of peace, more advantageous to France than even France itself had asked; but thereby did put into the power of the common enemy to create incurable jealousies and discords betweeo her majesty and her faithful allies, and to destroy that confidence, which had so long, and so successfully, been cultivated between them, and which was so necessary for their commoo safety.

ARTICLE II.

"That the French king, laying hold of the said treacherous overture, set oo foot in manner aforesaid, did, in or about the months of August or September in the year of our Lord 1711, send over Monsieur Mesnager into England, to carry on a clandestine and separate negotiation of peace; which being made known to him the said Robert earl of Oxford aod earl Mortimer, he did afterwards, in the said month of September 1711, secretly and unlawfully, with any colour of authority, meet, coofer, and treat, with the said Sieur Mesnager, on the negotiations of a peace betweeo Great Britaio and France; and therein he did advise and promote the making a private and separate treaty or agreement between the said crowos; which said treaty or agreement was afterwards, with the privity, conseut, and advice, of him the said Robert earl of Oxford and earl Mortimer, agreed, concluded on, and signed by the said Sieur Mesnager, on the part of France; and by the earl of Dartmouth and Henry Saint John esquire, two of her majesty's principal secretaries of state, in behalf of her late majesty, by virtue only of her majesty's sign manual under the signet, and without the least kuowledge or participatioo of the allies: In which treaty, the immediate interests even of Great Britain are given up to France, and the duke of Anjou is admitted to be king of Spain; an express stipulation being therein made with the Sieur Mesnager, in the name, and (as is therein alledged) pursuant to powers from, king Philip as king of Spain, whereby he the said Robert earl of Oxford and earl Mortimer did not only assume to himself regal powar, in taking upoo him to meet and treat with the enemy without any authority or powers from her majesty, but did what in him lay to subvert the ancient and established constitution of the government of these kingdoms, by introducing illegal and daogerous methods of transactiog the most important affairs of the state; and by which private and separate treaty, he the said Robert earl of Oxford and earl Mortimer did what in him lay to dissolve and cancel the many solemn treaties her majesty then stood engaged in to her good and aocieot allies; and whereby her majesty, even before aoy thing was finally settled for the safety or advantage of her kingdom, was brought to this fatal dilemma, either to submit to the dictates of France, in the progress of the said oegotiatioo; or, so notorious a breach of natiooal faith being divulged by the eoemy, from theoce to lose all future confidence of her good allies.

ARTICLE III.

"That the said Robert earl of Oxford and earl Mortimer, the better to disguise and carry on the aforesaid private, separate, and dangerous negotiatioo, did, togerher with other evil-disposed persons then in high trust ander her majesty, contrive and advise the preparing and forming a set of general preliminaries, intituled, "Preliminary Articles oo the part of France, to come to a general peace;" and that the same shoold be signed by the Sieur Mesnager only: And, the same being so prepared and signed by the said Sieur Mesnager, he the said Robert earl of Oxford and earl Mortimer did, contrary to his duty and trust, impiously advise her sacred majesty, that the same should be, and accordingly they were, received by her majesty, and communicated to the ministers of the allies then residing in England, as the ground of a general negotiation of peace, and as if the same were the only transactions that had been on this subject between Great Britain and France; and, to this end, the private treaty, signed as aforesaid by the earl of Dartmouth and master Saint John on the part

of England, and by the said Sieur Mesnager on the part of France, was, by the evil advice and contrivance of him the said Robert earl of Oxford and earl Mortimer, and others, wilfully and industriously concealed, not only from all the allies, but even from her majesty's council and her parliament: And he did further advise her majesty, not only to accept the said general preliminaries; but in her name, and by her authority, to communicate the same to the States General, as a sufficient foundation whereon to open the conferences of peace with France: And, the more effectually to cover from the States General the pernicious steps which his evil influence had engaged her majesty in with the common enemy, certain instructions were prepared, and, by his counsel and advice, were signed by her majesty, and delivered to the earl of Strafford, her ambassador to the States General; wherein the said earl of Strafford is directed to represent to the Pensionary of Holland, and to such others as shall be appointed to confer with him, "That when her majesty had received, in May last, by his excellency's dispatches, an account of the sense which those among them who were at that time in the secret had of the overtures made by France for setting a general negotiation of peace again on foot, and of the answer which it was desired might be returned to the propositions signed by Monsieur de Torcy, her majesty did immediately acquaint the enemy, "That their offers were thought by her and by the States General neither particular nor full enough; and therefore that her majesty did insist, that they should form a distinct project of such a peace as they were willing to conclude;" Whereas no such instances had been made to the enemy on her majesty's behalf; but, on the contrary, notwithstanding her majesty had declared, "That the propositions of Monsieur de Torcy were thought by her and the States General neither particular nor full enough;" yet, without any further explication from the enemy, her Majesty was prevailed on, in manner aforesaid, to send over propositions to France, as general and ensnaring, and in all respects as destructive to the interests of Great Britain and her allies, as the propositions of Monsieur de Torcy; and the said general preliminaries, communicated to the States in manner aforesaid, were calculated only to amuse and deceive them into a general negotiation with France; and in the particulars abovesaid, as well as in several others the said instructions contained matters either false or grossly prevaricating and evasive: By which most wicked channels of him the said Robert earl of Oxford and earl Mortimer, that unquestionable truth and sacredness, which, by the laws of nations, ought to accompany and constitute the instructions of public ambassadors to princes in friendship and confederacy against the common enemy, was most vilely prostituted to the most dangerous purposes, to deceive and mislead her majesty's good allies in matters of the greatest importance to their own interests; and the interests of these kingdoms, the honour of her majesty's sacred person, and of the imperial crown of these realms, which had been raised to the highest pitch of glory abroad, and had been justly held in veneration with her good allies, was scandalously debased and betrayed; and the royal hand, by the wicked arts of him the said Robert earl of Oxford and earl Mortimer, was made the instrument to advance the interest of the common enemy.

ARTICLE IV.

"That whereas the earl of Strafford, pursuant to his said instructions, had communicated the preliminaries, signed by M. Mesnager only, to the States General; who, being justly alarmed at the pressing instances made on the part of her majesty, that conferences should be opened on propositions as general and uncertain as to those so lately offered by France and signed by M. de Torcy, and their High Mightinesses having been unsuccessful in their remonstrances to the earl of Strafford against opening the conferences upon the said propositions, did send over M. Buys, their ambassador, to represent to her majesty, 'as well the hazard of meeting 'the ministers of France before the essential 'articles were first settled by special preliminaries, or at least explained by France, and made 'specific; as likewise the advantages to the 'enemy, who, being but one body, were influenced by one council, and directed by one 'power; whereas the confederates consisted of 'several powers, whose interests are not only 'distinct, but in many cases, contrary to each 'other, whereby the French would have a fair 'opportunity to divide the allies, when it would 'be impossible for them to break in upon 'France;' and further to represent, 'that the 'propositions themselves were in some instances 'very prejudicial; and particularly in the articles of commerce, Dunkirk, and the Union of 'the crowns of France and Spain.' all which representations of the said Mr. Buys, by the evil influence of him the said Robert earl of Oxford and earl Mortimer and others, were rendered ineffectual. But in order to prevail upon the States General to open the conferences upon the said general preliminaries, by the management and contrivance of him the said Robert earl of Oxford and earl Mortimer and others, an occasion was taken to declare to Mr. Buys, at a committee of council, in her majesty's name, 'Her constant affection and good 'disposition to their State, and to the promoting their interest, and to treat with their 'High Mightinesses with a perfect confidence 'and harmony,' and at the same time, he the said Robert earl of Oxford and earl Mortimer did then falsely and maliciously declare, or was privy to advising and consenting that it should be and so it was declared, in her majesty's name, 'That she had made no separate treaty 'with France: nor would ever make any, be'fore she had fully complied with all engage'ments to her Allies; and that each of them 'should have an opportunity to make good 'their pretensions.'

'By which false, scandalous, and dishonour-

able assurances, he the said Robert earl of Oxford and earl Mortimer did not only highly dishonour her majesty, by whose privity the said separate treaty with France had been before that time concluded and signed: but their High Mightinesses, the good friends and ancient allies of her majesty, were grossly abused, and thereby induced to enter into a negotiation with France so dangerous in itself, and so fatal in its consequences

ARTICLE V.

"That her sacred majesty queen Anne having, in due form of law, and under her great seal, constituted the right reverend John lord bishop of Bristol and the earl of Strafford her plenipotentiaries, with full powers, to meet, treat, and conclude, with the plenipotentiaries of the confederates and those whom the French king shall on his part depute for that purpose, the conditions of a good and general peace, that shall be safe, honourable, and, as far as is possible, agreeable to the reasonable demands of all parties; he the said Robert earl of Oxford and earl Mortimer, not contenting himself to abuse the royal authority, to the delusion of the States General, the nearest allies of the queen; but intending the universal prejudice of his imperial majesty, and all the allies of these kingdoms and thereby the more successfully to carry on the measures of France, wherein he was then engaged, contrived and prepared instructions, or was privy to, consenting, and advising the same, for her majesty's said plenipotentiaries; whichshe was prevailed upon, by the said Robert earl of Oxford and earl Mortimer's evil counsel, to sign; and the same were delivered to the said plenipotentiaries; wherein, among other things, they are instructed to the effect following; videlicet, 'If it shall be thought proper to begin by the 'disposition of the Spanish monarchy, you are 'to insist, That the security and reasonable 'satisfaction which the allies expect, and which 'his most Christian majesty has promised, can-'not be obtained, if Spain and the West Indies 'be allotted to any branch of the house of 'Bourbon;' whereas the said Robert earl of Oxford and earl Mortimer had, at that time privately and treacherously negotiated and agreed with the ministers of France, that Spain and the West Indies should remain in a branch of the house of Bourbon; and had prevailed on her sacred majesty to be party to the said private treaty, wherein the same is necessarily implied:' and the said plenipotentiaries are further instructed, 'In case the enemy should 'object, as the imperial ministers have done, 'that the second article of the seven, signed by 'the sieur Mesnager, implies, that the duke of 'Anjou shall continue on the throne of Spain; 'you are to insist that those articles, as far as 'they extend, are indeed binding to France; 'but that they lay neither us nor our allies 'under any positive obligation;' whereby the said Robert earl of Oxford and earl Mortimer basely entered into a confederacy and collusion even with the ministers of the enemy, and prevailed on her majesty to give her royal consent thereto, the more effectually to impose on his imperial majesty and all the allies, and to conceal the said secret negotiations, and the separate treaty that had been agreed on between Great Britain and France. And the said Robert earl of Oxford and earl Mortimer, not only in the particulars before mentioned, but in many others contained in the said instructions, has brought a lasting reproach on the crown of these realms, and grossly violated the many treaties wherein her sacred majesty was then engaged to her allies, to act in perfect concert with them throughout the negotiations of peace.

ARTICLE VI.

"That, the conferences of peace being opened between the plenipotentiaries of the allies and those of the enemy, for the negotiating a general peace, upon the mutual and most solemn engagements amongst the allies, not only to act in perfect confidence with each other, but to promote their common interest, and to obtain from the enemy all just and reasonable satisfaction; and a specific explanation of the general preliminaries having been given in by the enemy at Utrecht, wherein the allies delivered their respective demands; by the artifices of France, and the secret encouragement and concurrence of the ministers of Great Britain, the progress of the said public negotiation was delayed and kept in suspense, under pretence of the enemy's refusing to give their answer in writing: during which time, he the said Robert earl of Oxford and earl Mortimer, again assuming to himself regal power, in derogation of the royal authority, to treat of peace with France, which was then delegated under the great seal of Great Britain to her majesty's plenipotentiaries at Utrecht: and, for the promoting the designs of the enemy, to the apparent destruction of the common cause of her majesty and her allies, contrary to the known laws and constitution of this kingdom, in direct violation of the several alliances her majesty then stood engaged in, and in opposition to the many assurances given by her majesty to act in concert with her allies, and in defiance of the express instructions given to her said plenipotentiaries, was not only wanting in his duty to her majesty, as far as to him lay, to have put an end to and prevented any further private and unlawful negotiations with France; but did, with others his accomplices, advise, concur, continue, and promote, a private, separate, and unjustifiable negotiation of peace with France, directly from England to France, without any communication thereof to the allies; and, in such private negotiations, did concert with the ministers of the enemy, terms of peace highly prejudicial to the interest of her majesty and her kingdoms, and of all her allies, and whereby the good effects of the said general negotiation were entirely defeated.

ARTICLE VII.

"That her sacred majesty queen Anne having been prevailed on, by the false counsels of him the said Robert earl of Oxford and earl Mortimer, to accept of a treaty with France, on the supposition that the Spanish monarchy should continue in the possessing of a branch of the house of Bourbon; and it being acknowledged, even by the French king, in the general preliminaries signed by Monsieur Mesnager, "That the excess of power, from the re-union of the crowns of France and Spain, would be contrary to the good and general repose of Europe;" he the said Robert earl of Oxford and earl Mortimer, having nothing so much in view as the aggrandizing the common enemy, yet always intending to cover the iniquity of his heart under specious pretences and false appearances, did wickedly and treacherously advise and carry on a private and separate negotiation with France, on the subject of a renunciation of his right to the kingdom of France by the duke of Anjou, and that such renunciation should be the security against the re-union of the two kingdoms; and, by the influence of his evil counsels, her majesty was prevailed on to accept, and finally to conclude and ratify, a treaty of peace with France, wherein the said renunciation is taken as a sufficient expedient to prevent the mischiefs that threatened all Europe, in case the crowns of France, and Spain should be united upon the head of one and the same person; although he the said Robert earl of Oxford and earl Mortimer well knew that a memorial had been, during the said separate negotiation, transmitted, by Monsieur de Torcy, secretary of state and minister to the French king, to one of her majesty's principal secretaries of state, whereby it was declared, "That the said renunciation would be null and invalid, by the fundamental laws of France; which laws were looked upon as the work of him who had established all monarchies, and which he only could abolish; and that no renunciation therefore could destroy it; and, if the king of Spain should renounce, they would deceive themselves that should receive it as a sufficient expedient to prevent the mischiefs proposed to be avoided." By which false and treacherous counsels, he the said Robert earl of Oxford and earl Mortimer did not only betray the interest of the common cause into the hand of the most formidable enemy; but wilfully and maliciously abused the power and influence which he had obtained with her majesty, so far as to engage her sacred majesty, and the honour of the imperial crown of these kingdoms, to become party with France in so fatal a deceit.

ARTICLE VIII.

"That her late majesty queen Anne having on the 7th day of December in the year of our Lord 1711, earnestly recommended it from the throne, "That provision might be made for an early campaign; and her house of lords [illegible] with vigour, and as the best way to render the treaty of peace effectual; in order to which, vast supplies were granted, and magazines provided at a great expence, for an early campaign: and, in pursuance thereof, her majesty having sent her generals Lumley and Cadogan to give early assurances to her allies of her sincere intentions; and likewise expressly instructed her general the duke of Ormond not only to renew the same assurances, and declare her resolutions of pushing on the war with the utmost vigour, but to concert, with the generals of the allies, the proper measures for entering on action; and the confederate army, which at that time was the finest and strongest that had been in the service during the whole course of the war, and provided with all necessaries to act with vigour, having marched, according to the resolution taken in concert with her majesty's general, almost up to the enemy, with a great superiority both as to the number and goodness of troops, and animated with a noble courage and zeal to acquit themselves bravely; so that, in all human appearance, and with the divine assistance, which had appeared sensibly for them on many other occasions, they would have been able, either by battle or siege, to have gained great advantages over the enemy, to have bettered the affairs of the allies, and to have facilitated the negotiations of peace; and the ministers of France having frequently and earnestly represented to the said Robert earl of Oxford and earl Mortimer, and others his accomplices, during their secret negotiations, their just apprehensions, from the bravery and good disposition of the confederate army; he the said Robert earl of Oxford and earl Mortimer, being truly informed of the sure prospect, which by the blessing of God, the army of the confederates then had, of gaining new conquests over the army of France, and whereby they would have been enabled to have forced terms of peace, safe, honourable, and lasting; in order to disappoint those comfortable expectations of the allies, and to give success to his secret negotiations with the ministers of France, was privy to, consenting, and advising, together with other false and evil counsellors, and together with them, did advise and consent, that an order should be sent, in her majesty's name, to the duke of Ormond, in Flanders, 'to avoid engaging in any siege, or 'hazarding a battle, till further orders;' although nothing had then been settled, in the said private negotiations, for the interest and security of Great Britain, and although Philip king of Spain, at that time, had not consented to the renunciation of his right to the crown of France; and, not contenting himself with having obtained that fatal step, so highly advantageous to the cause of France, but being wickedly determined to do all that in him lay to dissolve the whole confederacy, he the said Robert earl of Oxford and earl Mortimer, with others, was privy to, and did consent and advise, that orders should be sent to the bishop of Bristol, one of her majesty's plenipotentia-

ries then at Utrecht, to take the first solemn opportunity to declare to the Dutch ministers, 'That her majesty looked on herself, from their 'conduct, to be then under no obligation what-'soever to them;' Which two declarations giving just alarm to all the allies, they represented to the bishop of Bristol their general dissatisfaction, and the unexpressible consternation they were all in: 'That these proceedings 'were the unavoidable ruin of Europe;' They urged religion, liberty, and the faith of treaties, to shew the enormity of this usage; and the States expressed their uneasiness on no account so much, as that they could not come to the knowledge of their own lot. Which representations the bishop of Bristol did, at the instance of the allies, signify to one of her majesty's principal secretaries of state But their High Mightinesses, finding that all applications to the ministers of Great Britain, and in particular to the said Robert earl of Oxford and earl Mortimer, were of no avail against France, and for the interest of the common cause, thought it necessary, in a manner the most moving and respectful, to address directly to her majesty by a letter of the 5th of June 1712; therein expressing "their great surprise and uneasiness at the two declarations aforementioned; and finding it difficult to conceive how such declarations, so prejudicial to the common cause, given so suddenly, without their knowledge, and undoubtedly too without the knowledge of the other allies, could agree and consist with the nature of an alliance, and with those assurances and engagements her majesty had so lately made; and not knowing how to reconcile it with the great goodness and kindness which her majesty had always honoured them with; and not being able to conceive how such a sudden change could happen with respect to them, having carefully examined their own conduct, and finding nothing therein that could have given ground to her majesty's dissatisfaction;" and, having represented the visible and immediate fatal consequences of the said two orders, not only to the common interest of her majesty and the States, but to the whole confederacy and to the Protestant religion, they beseeched her majesty, with all the respect and all the earnestness they were capable of, 'That she would not persist in the 'declarations made by the bishop of Bristol' 'and would be pleased to revoke the orders 'given to the duke of Ormond, and would au-'thorise him to act according to occurrences, 'and as the exigency of the war and the ad-'vancement of the common cause should re-'quire;' Notwithstanding which, he the said Robert earl of Oxford and earl Mortimer, being acquainted with the said representations of the States, was not only wanting in his duty to her majesty and to his oath, and the great trust reposed in him, in not advising, as he ought to have done, her sacred majesty to have hearkened to the said several instances made to her; but, persisting in his desperate and destructive measures, for the advancement of the interest of the common enemy, did afterwards advise her majesty to disregard and reject the same; and did countenance, encourage, advise, and promote, the said private, separate, and wicked negotiations with France, without any participation of the allies, contrary to all her majesty's engagements, and to the apparent ruin of the common cause: By which several wicked and perfidious counsels, the progress of the victorious arms of the confederates were stopped, and an opportunity lost for conquering the enemy, the most favourable, in the opinion of all the general officers and the quarter-masters of the allies, who were sent out to view the French camp; and whereby all hopes of confidence between her majesty and her allies was entirely destroyed, and the French king made absolute master of the negotiations of peace, and the affairs of Europe given into his hands.

ARTICLE IX.

"That, to impose upon the allies the fatal necessity of submitting to the terms of France, and, in order thereto, to leave the whole confederate army at the mercy of the common enemy, he the said Robert earl of Oxford and earl Mortimer was privy and consenting to a secret and separate concert with the ministers of France, without the knowledge of the allies, for the separating the troops in her majesty's pay from the rest of the confederate army; for the effecting whereof, instead of preventing as far as in him lay so fatal a step, he was not only wanting to advise against so unwarrantable a proceeding; but did consent to, and advise her majesty, that the duke of Ormond, and all the troops then in her majesty's pay, or such of them as would obey his orders, should separate themselves from the army of the confederates; and, having notice that the generals of the auxiliaries paid by her majesty, whose honour and consciences would not permit them to abandon the confederates and leave them as a sacrifice to France, but, for the sake of the common interest of Europe and according to the true end and design of their conventions, did refuse to withdraw with the duke of Ormond without particular orders from their respective masters; he the said Robert earl of Oxford and earl Mortimer, being then lord high treasurer of Great Britain, and one of her majesty's most honourable privy council, in violation of his oath, and the duty and trust reposed in him, did take upon himself an arbitrary and illegal power to refuse and put a stop to the pay and subsidies due on account of the said foreign troops, although they were entitled thereto by the conventions entered into with her sacred majesty, and by express provision made by act of parliament for the payment of the same: by which fatal separation, which, pursuant to his evil counsels, was afterwards made, great numbers of the confederate troops, who had before, on many occasions, signalized themselves in the defence of the cause of Europe, soon afterwards, at the unfortunate action of Denain, fell a sacrifice to

the fury and revenge of France; the siege of Landrecy was raised; the important towns and fortresses of Quesnoy, Bouchain, and Douay were retaken by the French army; and not only the fortune of the war, but the fate of Europe, decided in favour of France.

ARTICLE X.

"That, in further execution of his pernicious designs, to complete the destruction of the common cause of Europe, and to render it impracticable for her majesty to resume the war against France in conjunction with her allies, or to recover the union with her majesty's old and faithful allies, so necessary to the preservation of these kingdoms, he the said Robert earl Oxford and earl Mortimer, then lord high treasurer of Great Britain, did carry on and concert, with the ministers of France, a private and separate negotiation, for a general suspension, by sea and land, between Great Britain and France; and, to that end among others, did advise her majesty to send over Henry viscount Bolingbroke, one of her principal secretaries of state, to the court of France, with powers to settle the said suspension: in pursuance of which, a destructive treaty of suspension was made in France, on the 19th of August (N. S.) 1712, by the said Henry viscount Bolingbroke on the part of her said majesty, for four months, without the knowledge or any participation of the allies, and before any terms of peace were settled with the enemy, either for Great Britain or the allies. By which evil counsels, the express terms of several of the aforementioned treaties were expressly contravened and broken, the good friends and ancient allies of her majesty and these kingdoms were totally deprived of the just assistance to which they were thereby entitled, and were left exposed to the insults of the common enemy; and, the sacred ties of union and friendship between her majesty and her allies being cut asunder, her majesty's person and government, the safety of her kingdoms, and of the Protestant succession to the crown of these realms, were left exposed to the enterprizes of her most formidable enemy.

ARTICLE XI.

"That whereas the States General of the United Provinces were, in or about the months of September or October in the year of our Lord 1712, in possession of the strong and important town and fortress of Tournay; and whereas the French king had, during the course of the said private, separate, and traiterous negociation between him the said Robert earl of Oxford and earl Mortimer and others, and the ministers of France, signified his consent to the ministers of Great Britain, that the said town and fortress of Tournay should remain to the said States General, as part of their barrier; and whereas her majesty, in her instructions of December 23, 1711, to her plenipotentiaries at Utrecht, had expressly directed them to insist with the plenipotentiaries of France, in the general congress, 'That, towards forming a sufficient barrier for the States General, Tournay 'should remain to their High Mightinesses;' and did afterwards declare herself conformably thereunto, in her speech to both Houses of Parliament on the 6th of June 1712, in which she communicated to them the terms whereon a peace might be made. and whereas, for several years before, and till the said months of September and October in the year of our lord 1711, there was open war between her late majesty and the French king, and, the said war continuing, for all the said time and afterwards, the said French king and his subjects were enemies to her majesty, he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain and a subject of her majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love and true and due obedience which every true and faithful subject owed to her said majesty, and designing to give aid and succour and to adhere to the said French king, did, in or about the months of September or October 1712, during the said war, falsely, maliciously, wickedly, and traiterously aid, help, and assist, and adhere to the French king, then an enemy to her late majesty; and, in execution and performance of his said aiding, assisting, and adhering, maliciously, falsely, and traiterously, did counsel and advise the said enemy, in what manner, and by what methods, the said important town and fortress of Tourney, then in the possession of the States General, might be gained from them to the French king, contrary to the duty of his allegiance, and the laws and statutes of this realm.

ARTICLE XII.

"That whereas her late majesty queen Anne, not only in pursuance of the treaties she stood engaged in to her good allies, and in particular to his imperial majesty, for the recovery of the monarchy of Spain to the House of Austria, thereby to preserve a due balance of power in Europe; but also from her just resentment against the duke of Anjou, who then styled himself king of Spain, and who, in defiance of her majesty's title to the crown, had acknowledged the Pretender as king of Great Britain; and on these just foundations, her majesty had in vindication of the honour of the crown, and in justice to her people, at a vast expence of blood and treasure, and on the earnest and repeated advices of her parliament, prosecuted a vigorous war against the said duke of Anjou: and whereas in the years of our Lord 1710, 1711, and 1712, the said open, bloody, and expensive war was carried on, between her said late majesty queen Anne and the said duke of Anjou; and, during all the time aforesaid, the said war did continue, and, for all that time the said duke of Anjou and the subjects of Spain adhering to him were enemies of her late majesty; he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain, and one of her majesty's privy

council, and a subject of her said majesty, not considering the duty of his allegiance, but having withdrawn his due obedience from her said late majesty, did, at several times, in the said years of our Lord 1710, 1711, and 1712, falsely, maliciously, wickedly, and traiterously, aid, help, assist, and adhere to the said duke of Anjou, then an enemy to her said late majesty; and, in the execution and performance of his said aiding, helping, assisting, and adhering, and in confederacy and combination with the then enemies of her late majesty, and with divers other wicked and evil-disposed persons, did, at several times, in the years aforesaid, advise and counsel the enemies of her late majesty; and, in such counselling and advising, did concert with them, and did promote the yielding and giving up Spain and the West Indies, or some parts thereof, to the said duke of Anjou, then in enmity with her majesty, against the duty of his allegiance, and the laws and statutes of this realm.

ARTICLE XIII.

That whereas the riches, power, and strength of these kingdoms, depend entirely on the flourishing condition of trade and navigation: and her late majesty queen Anne, having due regard thereto, as well as to the just expectations of her people after the vast expences they had so cheerfully undergone in support of the war, did, on the first opening of the conferences for a general peace, declare from the throne, to both Houses of Parliament, on the 7th of December 1711, 'That she would endeavour that, 'after a war which had cost so much blood and 'treasure, the nation might find their interest 'in trade and commerce improved and enlarged by a peace;' and, on the 6th of June 1712, when she was pleased to communicate the terms on which a general peace might be made, did declare 'That nothing had moved 'her majesty from steadily pursuing the true in'terest of her own kingdoms; and that the 'terms of peace obtained for her own subjects 'were such as, she had reason to expect, would 'make her people some amends for the great 'and unequal burthen which they had lain 'under through the whole course of the war; 'and hoped that none of the confederates 'would envy her share in the glory and advan'tage of the peace:' And afterwards declared to both Houses of Parliament 'Her satisfaction in 'the near view she had of peace; since it 'would in some measure recompence her sub'jects for their vast expences.' And, after the conclusion of the treaty of peace and commerce with France, did declare, from the throne, on the 9th of April 1713, 'That the 'many advantages she had obtained for her 'subjects had occasioned much opposition and 'long delays to the peace; but it afforded her 'great satisfaction, that her people will have it 'in their power, by degrees, to repair what they 'had suffered, during so long and burdensome 'a war.' Whereon both Houses of Parliament did, from time to time, express their grateful acknowledgments to her majesty, for her great care and concern for the welfare of her people. And whereas, at the setting on foot and in the progress of the said private, separate, and pernicious negociation, between the ministers of Great Britain and France, it was laid down as a principle, on the part of Great Britain, never to be departed from, 'That France should con'sent to adjust the interests of Great Britain 'in the first place, that the ministers of Great 'Britain might thereby be enabled to engage 'the queen to make the conclusion of the ge'neral peace easy to France:' and on this plausible pretence, it was insisted on by the ministers of Great Britain, to remit the discussion of the particular interests of the allies to general conferences; and throughout the whole course of the said separate negociation, all imaginable concessions were not only made by the ministers of Great Britain, for the real advantage of the interest of France, against the allies; but all measures were entered into and concerted between them, that even the ministers of France should dictate, in order to strengthen their hands, and to enable them to impose the terms of a general peace; he, the said Robert earl of Oxford and earl Mortimer, having nothing in view, through the whole course of the said negociation, wherein he was wickedly and principally engaged in concert with France, but the final destruction of his country, and to that end the encreasing the commerce of Great Britain to the aggrandizement of France, was not only wanting in his duty to her majesty, in not insisting on in all events, and not procuring in the first place, the most certain and strict securities imaginable, for the safety and advantage of the commerce of these kingdoms; but did advise her late majesty, 'That, in the proposition sent by his 'privity and advice by Mr. Prior, to France, 'and also in the said private and separate 'treaty; signed on the said 27th of September '1711, wherein the preliminary demands for 'Great Britain more particularly were intended 'to be adjusted with France; the demands for 'Great Britain, in point of commerce, should 'not only be made in loose, general, and insufficient terms; but that the liberty of fishing, and 'drying of fish, on Newfoundland, should be 'expressly given up to France; though the re'stitution of that small part of the island which 'France had taken during the war was therein 'referred to be discussed to general confer'ences;' And having, by his wicked artifices, engaged her majesty in the said private treaty with France, without any security for the commerce of Great Britain, he did artfully and cunningly contrive, with the ministers of France, to keep in suspense all matters that concerned the commerce of Great Britain, until, by means of his wicked and pernicious counsels aforementioned, France was become master of the negociations, and the chief advantages for the commerce of Great Britain by that means remaining unsettled; and the ministers of France afterwards disputing the most essential articles

which had been in agitation, and in particular that fundamental principle of treating and being treated as *gens amicissima*, and endeavouring to elude what had been agreed on in the said private and separate negociation, for the supposed advantage of Great Britain; he the said Robert earl of Oxford and earl Mortimer, under pretence of removing a difficulty then depending by an expedient advantageous to Great Britain, did treacherously advise the 9th article of the treaty of commerce with France; a bill for the rendering whereof effectual was afterwards rejected by the House of Commons as highly prejudicial and destructive to the commerce of these kingdoms: but, yet, for the sake of gaining that destructive article for Great Britain, as if the same had been advantageous, he the said Robert earl of Oxford and earl Mortimer, in defiance of the express provision of an act of parliament, as well as in contempt of the frequent and earnest representations of the merchants of Great Britain, and of the commissioners for trade and plantations, did advise her majesty, finally to agree with France, 'That the subjects of France 'should have liberty of fishing, and drying fish, 'on Newfoundland;' and did also advise her majesty to make a cession to France of the isle of Cape Breton, with liberty to fortify the same; although the isle of Cape Breton was part of the ancient territories of the crown of Great Britain, and her majesty had declared, from the throne, 'That France had consented to 'make an absolute cession of Nova Scotia, or 'Acadia, whereof Cape Breton is part, to her 'majesty:' and the said Robert earl of Oxford and earl Mortimer intending, in all events, to secure to France the advantages relating to the fishery of Newfoundland and to Cape Breton, did in conjunction with the ministers of France, advise her majesty to consent that the same should be made an article in the treaty of peace between Great Britain and France: whereas the only advantages in trade pretended to be stipulated for Great Britain, being inserted in the treaty of commerce, were to depend on certain conditions, to be made good by act of parliament; and pursuant to, and by the influence of, the said evil counsel of him the said Robert earl of Oxford and earl Mortimer, her sacred majesty was advised to ratify the said article in the said treaty of peace, and the said treaty of commerce; by means of which pernicious counsels, the good intentions of her sacred majesty, to have obtained for her people advantageous terms of commerce, were entirely frustrated; the trade and manufactures of Great Britain, as far as in him lay, rendered precarious, and at the mercy of the enemy; and that beneficial branch of trade, always esteemed the great support of the naval power and the chief nursery of the seamen of Great Britain, yielded up to the subjects of France; and the only pretence for the avowed and notorious violation of treaties, and the carrying on the measures of France, viz. the adjusting first the interests of Great Britain, through the whole course of the said private and separate negociation, terminated at last in the sacrifice of the commerce of Great Britain to France, without the least shadow of advantage in trade procured for these kingdoms.

ARTICLE XIV.

"That he the said Robert earl of Oxford and earl Mortimer did, in concert with other evil and false counsellors, even without any application from his royal highness the duke of Savoy, and after the French king had, in the course of the said private and separate negotiations, consented that the kingdom of Sicily should remain to the house of Austria, form a project and design to dispose of the kingdom of Sicily to the duke of Savoy, from the house of Austria; and, to effect that his unjust, dishonourable and pernicious project, he did advise her majesty to give instructions, among other things, to Henry viscount Bolingbroke, then appointed her ambassador to France, to demand, in her majesty's name, of the French king, the kingdom of Sicily, for his said royal highness: and a treaty of peace being afterwards made, between the French king, his royal highness, and the duke of Anjou, wherein a cession is made to his royal highness of the kingdom of Sicily, without any concurrence or participation of his imperial majesty; he the said Robert earl of Oxford and earl Mortimer did basely and scandalously advise her sacred majesty to consent to the same, by an article inserted in the treaty of peace between her majesty and the French king; and afterwards, by his privity and advice, her majesty was prevailed on to assist his royal highness against the emperor, then in alliance with her majesty, with a part of her royal fleet, at her own expence, in order to put him in possession of the said kingdom of Sicily, whereby the greatest injustice was done to his imperial majesty, in direct violation of the grand alliance, and contrary to her majesty's frequent declarations from the throne, and her plain and full instructions to her plenipotentiaries at Utrecht, for obtaining his just and reasonable satisfaction; and whereby national faith, and the honour of the crown, was vilely betrayed, and the naval power of these kingdoms, and the supplies granted by parliament for reducing the common enemy, were perfidiously employed against the great and faithful ally of this kingdom.

ARTICLE XV.

"That whereas the dignity and support of the imperial crown of these realms has in all ages greatly depended on the wisdom and truth of the communications made from the throne, especially in parliament, as the sure and only means whereby the kings and queens of this realm can receive the sincere and faithful advice of their people in matters of the highest importance; and which, by the fundamental laws and constitution of this government, ought to be inviolably observed, as the sacred band of the duty and affection of subjects to their sovereign,

and whereas, by the most ancient and known laws of this kingdom, it is indispensably incumbent on the great officers of state that surround the throne, to maintain, as far as in them lies, the sacredness of the royal word on all occasions; it being most apparent that the greatest dishonour to the throne, and the greatest danger to these kingdoms, must inevitably ensue, whenever that fountain of truth, by wicked counsels, shall be in any degree corrupted, and thereby lose its just influence and necessary authority: and whereas the power of making peace and war, one of the ancient, undoubted, and most important prerogatives of the crown, has always been exercised by the sovereigns of these realms with the strictest regard to the honour of the crown and the welfare of the people, and for that end they have, in great wisdom, in all ages, taken the advice of parliament on such weighty occasions: and whereas her late majesty queen Anne declared from the throne her gracious intentions to communicate the terms of peace to her parliament, for their deliberate and serious advice therein; wisely foreseeing, that the safety of her person and government, of the protestant succession to the crown, which she had nearest her heart, and of the protestant religion, and of the liberties of Europe, did inevitably depend on the happy conclusion of the said negotiations: he the said Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain, having taken on himself, throughout the said negotiations, a most arbitrary and unwarrantable authority, and the chief direction and influence in her majesty's councils, and most wickedly designing to prostitute the honour of the crown and the dignity of parliaments, and not only totally to deprive her majesty of the wholesome and necessary advice of her parliament in so great a conjuncture, but, by misrepresenting the most essential parts of the negotiations of peace, to obtain the sanction of parliament to his traiterous proceedings, and thereby fatally to deceive her majesty, her allies, her parliament, and her people; he the said Robert earl of Oxford and earl Mortimer was not only wanting in the discharge of that duty to his sovereign which became his high station, by not advising against, and, as far as in him lay, in all events, by not preventing, even any intimation from the throne to the parliament, which was not conformable to the exactest truth and impartiality; but, taking advantage of his ready access to her majesty, and his exorbitant influence in her councils, did prepare, form, and concert, together with other false and evil counsellors, several speeches and declarations, to be made by her majesty from the throne, to her parliament, on the subject of the said negotiations of peace; and did advise her majesty to make the same to her parliament: and particularly, by means of his false and evil counsels, her majesty did, amongst other things, on the 7th of December 1711, declare from the throne, in the words, or to the effect following, 'That, 'notwithstanding the ara of those who delight 'in war, both place and time are appointed 'for opening the treaty of a general peace: our 'allies, especially the States General, whose 'interest I look upon as inseparable from my 'own, have, by their ready concurrence, ex-'pressed their confidence in me' Whereas it was then notorious to all Europe, and the said Robert earl of Oxford and earl Mortimer and others his accomplices well knew, that the principal allies of her majesty, and particularly the States General, then had in the strongest and most pressing manner represented, not only to her majesty's ministers in Holland, but afterwards by a minister of their own directly to her majesty, the insecurity and danger to the common cause, by entering into general negotiations with France on the propositions signed by monsieur Mesnager, and also their firm opinion of the fatal consequences that might ensue thereon: and although they had still great apprehensions concerning the method of opening the conferences, and the consequences that might happen thereupon; yet, being wrought on by the menaces and other extraordinary methods used with them by her majesty's ministers, and relying on the solemn assurances and declarations of her majesty to support the interest and concern of their state, and to act in perfect confidence and harmony with them, they did at last with the greatest reluctance consent to enter upon a general negotiation of peace with France. And, in the same speech, her majesty was prevailed on, by the evil counsels of him the said Robert earl of Oxford and earl Mortimer and others, to declare in the words or to the effect following: 'that the 'princes and states which have been engaged 'with us in this war being by treaties entitled 'to have their several interests secured at a 'peace; I will not only do my utmost to pro-'cure every one of them all reasonable satis-'faction: but I shall also unite with them in the 'strictest engagements for continuing the alli-'ance, in order to render the general peace se-'cure and lasting." And, in her message of the 17th of January following, her majesty again expresses the care she intended to take of all her allies, and the strict union in which she proposed to join with them; whereas, by the evil influence of him the said Robert earl of Oxford and earl Mortimer, her majesty was not only induced to enter into a private negociation with France, exclusive of her allies; but the same was in like manner carried on by him the said Robert earl of Oxford and earl Mortimer and others: and the several interests which the allies were entitled to by their treaties were not only not secured to them by the peace, nor any reasonable satisfaction given to them; but the main interests of her principal allies, especially of his imperial majesty, were, by the wicked practices of him the said Robert earl of Oxford and earl Mortimer and others, given up to France; and no engagements were obtained for continuing the alliance, in order to render the general peace secure and lasting. And her majesty having on many former occasions

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expressed her resolutions, never to make peace with France and Spain, so long as Spain and the West Indies remained in the house of Bourbon: she was prevailed upon, by the advice of him the said Robert earl of Oxford and earl Mortimer and others, to declare herself, in answer to an address of the house of peers, the 11th of December 1711, to the effect following: *videlicet*, 'I should be sorry 'any one could think I would not do my ut-'most, to recover Spain and the Indies from 'the house of Bourbon;" whereas it is most manifest, that the leaving the kingdom of Spain and the Indies in the house of Bourbon was the foundation of the private and separate treaty between Great Britain and France, which had been before that time signed even with her majesty's consent; and the same fundamental resolution was immutably observed between them, to the conclusion of the peace. And her majesty having frequently declared from the throne, 'that her resolutions in entering into 'the said negociations were, to obtain a general, 'good, and lasting peace, and the plenipoten-'tiaries at Utrecht being instructed to treat 'with France conformably to that end;' he the said Robert earl of Oxford and earl Mortimer, in order to remove the just suspicions which had been conceived of his private and separate negociations with France, did advise her majesty to make this further declaration, in her said message of the 17th day of January, 'that the 'world will now see how groundless those re-'ports are, which have been spread abroad by 'men of evil intentions to serve the worst 'designs, as if a separate peace had been treat-'ed *, for which there has not been the least 'colour given;' whereas a private and separate negociation had been carried on, for five months together, between Great Britain and France; and, during that time, private propositions had been sent from England, and a private treaty with a minister of France signed even by her majesty's privity, exclusive of all the allies, before the said declaration made by her majesty; and private and separate measures were thenceforth carried on, by the said Robert earl of Oxford and earl Mortimer and his accomplices, on behalf of her majesty, with the ministers of France, even to the conclusion of the peace with France. Her majesty was further prevailed on, by the wicked advice of him the said Robert earl of Oxford and earl Mortimer, in her speech of June the 6th, 1712, to declare, 'that, to prevent the union of the two crowns, 'she would not be content with what was 'speculative, but insisted upon something solid;' and, in the same speech, to the effect following; (*videlicet,*) 'the nature of the proposal for a re-'nunciation is such, that it executes itself, and 'France and Spain are thereby more effectually 'divided than ever;' whereas the ministers of France had before that time assured the ministers of her majesty, 'that to accept of the ex-'pedient proposed on her majesty's behalf, 'would be to build on a sandy foundation; and 'that the renunciation would be null and void by 'the fundamental laws of France; and that they 'would deceive themselves, who accepted it as 'an expedient to prevent the union of the two 'crowns.' And not only in the particulars before mentioned, but in many others, contained in the said several speeches and messages made and sent to her parliament, even while the said negociations of peace with France were depending, the most essential points relating to peace and commerce, and which concerned the interests as well of the allies as of Great Britain, were grossly misrepresented; by all which wicked, treacherous, and unexampled evil counsels, he the said Robert earl of Oxford and earl Mortimer did most basely, ungratefully, and scandalously, abuse the favour of his royal mistress; and, by means of her authority, did mislead her parliament into groundless and fatal resolutions; and thereby not only prevented the just advice of the parliament to her majesty in that critical juncture, but obtained the approbation of parliament to his mysterious and dangerous practices; and did not only deprive her majesty of the confidence and affection of her allies, but exposed her majesty and her people to the contempt of the common enemy.

ARTICLE XVI.

"That whereas the said Robert earl of Oxford and earl Mortimer, having on all occasions used his utmost endeavours to subvert the ancient established constitution of parliaments, the great and only security of the prerogative of the crown, and of the rights, liberties and properties of the people; and being most wickedly determined, at one fatal blow, as far as in him lay, to destroy the freedom and independency of the House of Lords, the great ornament and nearest support of the imperial crown of these realms; and falsely intending to disguise his mischievous purposes under a pretended zeal for the prerogative of the crown; he the said Robert earl of Oxford and earl Mortimer, on or about the months of December or January 1711, whilst the House of Lords were under an adjournment, and had reason to expect, that on their next meeting, matters of the highest importance would be communicated to them from the throne; they having some few days before given their humble opinion and advice to her majesty, 'That no peace could be safe or honourable to 'Great Britain or Europe, if Spain and the West 'Indies were to be allotted to any branch of 'the House of Bourbon;" being then lord high treasurer of Great Britain and one of her majesty's privy council, and assuming to himself an arbitrary direction and control in her majesty's councils, contrary to his duty and his oath, and in violation of the great trust reposed in him, and with an immediate purpose to render ineffectual the many earnest representations of her majesty's allies against the said negotiations of peace, as well as to prevent the good

* Sic.

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effects of the said advice of the House of Lords, and in order to obtain such future resolutions of that house of parliament, on the important subject of the negociations of peace, as might shelter and promote his secret and unwarrantable proceedings, together with other false and evil counsellors, did advise her majesty to make and create twelve peers of this realm and lords of parliament, and, pursuant to his destructive counsels, letters patents did forthwith pass, and writs issued, whereby twelve peers were made and created; and did likewise advise her majesty immediately to call and summon them to parliament; which being done accordingly, they took their seats in the House of Lords on or about the 2d of January 1711, to which day the House then stood adjourned; whereby the said Robert earl of Oxford and earl Mortimer did most highly abuse the influence he then had with her majesty; and presumed on her to exercise in the most unprecedented and dangerous manner that valuable and undoubted prerogative, which the wisdom of the laws and constitution of this kingdom hath entrusted with the crown for the rewarding signal virtue and distinguished merit: by which desperate advice, he did not only, as far as in him lay, deprive her majesty of the continuance of those seasonable and wholesome counsels, in that critical juncture; but wickedly perverted the true and only end of that great and useful prerogative, to the dishonour of the crown, and the irreparable mischief to the constitution of parliaments: all which crimes and misdemeanors were committed and done, by him the said Earl, against our late sovereign lady the Queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him the said Earl; and he the said earl of Oxford and earl Mortimer was lord high treasurer of Great Britain, and one of her majesty's privy council, during the time that all and every the crimes before set forth were done and committed: for which matters and things, the knights, citizens and burgesses, of the House of Commons, in parliament assembled, do, in the name of themselves and of all the Commons of Great Britain, impeach the said Robert earl of Oxford and earl Mortimer of high treason, and other high crimes and misdemeanors in the said articles contained.

"And the said Commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusations or impeachments against the said earl, and also of replying to the answers which the said Robert earl of Oxford, and earl Mortimer shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited according to the course and proceedings of parliament; do pray, that the said Robert earl of Oxford and earl Mortimer be put to answer all and every the premises; and that such proceedings, examinations, trials, and judgments, may be upon them, and every of them, had and used, as shall be agreeable to law and justice; and they do further pray and demand, that the said Robert earl of Oxford and earl Mortimer may be sequestered from parliament, and forthwith committed to safe custody."

Debate on the said Articles.] The lord Coningsby having left the said Articles with the Lords, and being withdrawn, a motion was made, That the consideration of the Articles of Impeachment be adjourned to the Monday following, which was backed by

The Bishop of *Rochester* (Dr. Francis Atterbury) who urged, That this accusation was of so extraordinary a nature, and so very important, both in itself and its consequences, that the House ought to proceed on it with the utmost caution and deliberation. He was answered by

The Duke of *Argyle*, who said, It was well known, the prelate who spoke last, had, of late, studied more politics than divinity; and was thoroughly acquainted with the subject matter of the Articles that lay before them; and therefore his grace did not doubt, but his lordship was now as ready to speak to them, as he could ever be, if he had more time to consider of them.

After debate the question for adjourning was put, and carried in the negative, by 86 voices against 54; thereupon the Articles of Impeachment were read. Then a motion was made, That the Judges be consulted, that the House might be satisfied, whether the charge contained in the said Articles amounted to treason? The lords Trevor and Harcourt, the dukes of Shrewsbury and Leeds, earl Powlet, the lord North and Grey, the bishop of Rochester, and some other peers of the same side, were for consulting the judges; but the lord-chancellor, the dukes of Argyle and Montrose, the earls of Nottingham, Sunderland, Dorset, and Hay; the lord viscount Townshend, and some other lords, spoke against it. The lord Trevor having gone so far, as to declare his opinion, That none of the articles amounted to high-treason, he was answered by the lord Cowper, who shewed the contrary, and challenged all the lawyers in England to disprove his arguments. The other side still insisting on consulting the judges, the earl of Nottingham represented to them, That instead of favouring thereby the noble person, who had the misfortune to be impeached, as undoubtedly they meant it, they might, on the contrary, do him a great prejudice. For if, upon consulting the judges, they declared the charge to amount to treason, he would stand prejudged, before he was brought to his trial. After some other speeches, the negative was carried by 84 voices against 52.

The Earl of Oxford's Speech in his own defence.] It was then moved, That the earl of Oxford be committed in safe custody in the Tower, which occasioned another debate. Hereupon

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The Earl of *Oxford* stood up, and spoke in his own defence as follows:

"My lords; It is a very great misfortune for any man to fall under the displeasure of so great and powerful a body as the Commons of Great Britain: And this misfortune is the heavier upon me, because I had the honour to be placed at the head of the late ministry, and must now, it seems, be made accountable for all the measures that were then pursued. But, on the other hand, it is a very great comfort to me under this misfortune, that I have the honour to be a member of this august assembly: An assembly which always squares their proceedings and judgments by the rules of honour, justice, and equity; and is not to be biassed by a spirit of party.

"My lords; I could say a great deal to clear myself of the charge which is brought against me. But as I now labour under an indisposition of body, besides the fatigue of this long sitting, I shall contract what I have to say in a narrow compass. This whole accusation may, it seems, be reduced to the negociation and conclusion of the peace. That the nation wanted a peace, no body will deny; and, I hope, it will be as easily made out, that the conditions of this peace are as good as could be expected, considering the circumstances wherein it was made, and the backwardness and reluctancy which some of the allies shewed to come into the Queen's measures. This is certain, that this peace, as bad as it is now represented, was approved by two successive parliaments. It is, indeed, suggested against this peace, that it was a separate one: But I hope, my lords, it will be made appear, that it was general, and that it was France, and not Great Britain, that made the first steps towards a negotiation. And, my lords, I will be bold to say, that during my whole administration, the sovereign upon the throne was loved at home, and feared abroad.

"As to the business of Tournay, which is made a capital charge, I can safely aver, that I had no manner of share in it, and that the same was wholly transacted by that unfortunate nobleman who thought fit to step aside: But I dare say in his behalf, that if this charge could be proved, it would not amount to treason. For my own part, as I always acted by the immediate directions and commands of the late queen, and never offended against any known law, I am justified in my own conscience, and unconcerned for the life of an insignificant old man. But I cannot, without the highest ingratitude, be unconcerned for the best of queens. A queen who heaped upon me honours and preferments, though I never asked for them; and therefore I think myself under an obligation to vindicate her memory, and the measures she pursued, with my dying breath.

"My lords; If ministers of state, acting by the immediate commands of their sovereign, are afterwards to be made accountable for their proceedings, it may, one day or other, be the case of all the members of this august assembly: I do not doubt, therefore, that out of regard to yourselves, your lordships will give me an equitable hearing; and I hope that, in the prosecution of this inquiry, it will appear, that I have merited not only the indulgence, but likewise the favour of the government.

"My lords; I am now to take my leave of your lordships, and of this honourable House, perhaps for ever! I shall lay down my life with pleasure, in a cause favoured by my late dear royal mistress. And when I consider that I am to be judged by the justice, honour, and virtue of my peers, I shall acquiesce, and retire with great content: And, my lords, God's will be done."

Before the question for committing the earl of Oxford to safe custody was put, the duke of Shrewsbury acquainted the House, That the said Earl was, at present, very much indisposed with the gravel; and therefore he hoped the House would not immediately send him to the Tower, but suffer him to be, for two or three days, under the custody of the Black Rod at his own house, where he might have the attendance and assistance of his relations and servants: That however he did not propose this as a motion, because he was against committing him at all, but only left it to the consideration of the House. His grace was seconded by the earl Poulet; and no opposition being offered, the earl of Oxford withdrew, leaving word with the Usher of the Black Rod, that he would be at home.* After this the question was put, That the said Earl be committed to safe custody, which was carried in the affirmative, by 82 voices against 50; and so the House rose about a quarter past one in the morning: when the Usher of the Black Rod went to the earl of Oxford's house, communicated to him the order of the House of Peers for taking him into custody, and left some of his officers for that purpose in his lordship's house. It was observed, that of twenty bishops who were that day in the House, six only were for the earl of Oxford, viz. The archbishop of York, and the bishops of London, Rochester, Bristol, Chester, and Durham.

July 11. The Lords ordered, That the earl of Oxford be brought to the bar of their House the next morning, in order to be sent to the Tower.

The Earl of Oxford voted to the Tower.] July 12. The earl of Oxford was, according to order, brought to the bar of the House of Lords, where having received a copy of the Articles of Impeachment against him, he represented to their lordships, "That the ablest men in the nation had been many weeks in drawing up those long Articles against him: and therefore he hoped the House would allow him a proportionable time to answer them."

* "When the earl of Oxford went home, he was attended by a mob that cried out, 'High-'Church, Ormond, and Oxford for ever.'" Oldmixon.

His lordship took that occasion to return their lordships his hearty thanks for their great humanity in not sending him to the Tower the Saturday before; and as he still laboured under the same indisposition of body, he humbly desired their lordships to permit him to continue some few days more at his own house, under the custody of the black rod."

The Earl of Oxford being withdrawn to the black rod room, the Lords resolved to allow him a month to answer the Articles of Impeachment; and as to his last request, Dr. Mead, one of his lordship's physicians, being consulted, and having made an affidavit, "That if the earl were sent to the Tower, his life would be in danger:" A motion was made, "That he might continue in his house till the Monday following:" but this was opposed, and after debate it was carried, by 81 voices against 55, that he should be carried to the Tower on Saturday next.[a]

In this day's debate,

The Earl of *Anglesea*, having said, "That it was to be feared these violent measures would make the sceptre shake in the king's hands:" several members were offended at this suggestion, and some cried, "the Tower," and others only "to order."

The Earl of *Sutherland* standing up, said, "He trembled with indignation to hear such words pronounced in that noble assembly; that if they had been spoke any where else, he would call the person that spoke them to an account:" But all he could do there was to move that he might explain himself. He was seconded by

The Duke of *Roxburgh*, who said, "That the scepter was so well rivited in the king's hand, that instead of shaking, it would crush all his majesty's enemies." The earl of Berkley and some other lords backed also the earl of Sutherland's motion; whereupon

The Earl of *Anglesea* stood up, and said, "That it was but too manifest, by the riots that were duly committed in several parts of the kingdom, that the nation in general was against these Impeachments; that for his own part, he was so far from approving those tumultuous assemblies and disorders, that he rather wished a stop might speedily be put to them, by exemplary punishments; That he had on several occasions, given sufficient proofs of his zeal and affection for the Revolution and the Protestant succession; that what he had now advanced, was the result of the same zeal for the peace and prosperity of his majesty's reign: however, if he had been so unhappy as, by any unguarded or passionate expression, to give offence to that august assembly, he was very sorry for it."

Notwithstanding this apology, some members were inclined to have his lordship sent to the Tower, but the very words he had spoken not having been taken down in writing, the House admitted his lordship's explanation; and so that matter went no further. It is observable that on this occasion, besides the six bishops before mentioned, those of Bath and Wells, and St. David's, voted for the earl of Oxford.

Address of the Commons respecting the Tumults.[*] July 16 The Commons unanimously resolved, That an humble Address be presented to his majesty, that he will be graciously pleased to give directions to the several magistrates throughout the kingdom, That the laws may be put in a speedy and the most vigorous execution against all such persons, who shall be found any way concerned in the late rebellious and tumultuous riots and disorders committed, and

[a] "The earl of Oxford was by many blamed for putting off his going to the Tower; which they said did not correspond with that firmness he had hitherto shewn. It is certain, as he came in his own coach to the House of Lords he might with as much ease have been carried to the Tower either by water, or in a sedan, and have had there the same attendance of his friends and physicians. The House having met on Friday, the 15th of July, they adjourned to Monday following, to avoid, as it was generally surmised, any fresh motion, which the earl of Oxford's friends might make for deferring his being sent to the Tower, where he was carried by the black rod on the day appointed, about eight o'clock in the evening, in his chariot, attended by two hackney coaches, in which were his lady, his son the lord Harley, and some other of the earl's relations and servants. Though these three coaches went from his house, near St. James's palace, up St James's street, and then through Piccadilly, Gerard street, Monmouth street, and Holbourn, with design to avoid a crowd, yet were they attended by a great many of the common people, whose numbers being much increased in their return from the Tower, they raised a tumult in the streets, with their cry of High-church, Ormond, and Oxford for ever, upon which three or four of the mutineers were by the constables carried to the round-house. [illegible]

[*] "The day before the earl of Oxford was sent to the Tower, the House of Commons received information of their tumultuous proceedings in Staffordshire, where several meeting-houses had been pulled down by the mob. Upon this the Commons unanimously resolved to address the king, that the laws might be put in a speedy and most vigorous execution against the rioters, and an account be taken of such justices, as failed in the discharge of their duty; and that the sufferers, by these riots, may have a full compensation for their damages, which they would enable his majesty to make good, out of the next aids granted by parliament. The king, in his answer, promised an immediate compliance with their request, and hoped by their seasonable assistance, to suppress the spirit of rebellion, and establish peace and prosperity. [illegible]

now carrying on, in several parts of this kingdom, by persons disaffected to his majesty and his government; and that a strict enquiry be made who are the promoters and authors of the said tumults and riots; and that an account may be taken of such justices of the peace, as have failed in the discharge of their duty on these occasions, and that such justices, who shall appear to his majesty to have neglected their duty, be forthwith put out of the commissions of the peace; and that such other magistrates, as shall appear likewise to have neglected their duty therein, may be proceeded against with the utmost rigour of the law. and that his majesty will likewise be pleased to direct, that an exact account may be taken of the losses and damages, which his majesty's subjects have sustained, by reason of these tumultuous and rebellious proceedings; and that the sufferers may have full compensation made them for their damages: and to assure his majesty, that all such expenses as his majesty shall be at on that account, shall be made good to his majesty out of the next aids that shall be afterwards granted by parliament: and also, that the laws against Papists and Nonjurors may be effectually put in execution.

Ordered, That a Committee be appointed to draw up an Address, upon the said resolution.

July 18, Mr. Solicitor General reported from the said committee the following Address, which was agreed to *nem. con.*

Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons in parliament assembled, being highly concerned at the continued endeavours of the enemies of your person and government to disturb the tranquillity and happiness of your kingdoms, and to deprive your people of the great blessings they enjoy under your auspicious reign; and it having appeared to us, that, by the encouragement, and the false and traiterous insinuations, of persons disaffected to your title and government, great numbers of your poor deluded subjects have been prevailed upon, in many parts of the kingdom, to assemble together, and, in a tumultuous and rebellious manner, to commit great disorders, and do great injuries to others of their fellow-subjects and fellow-protestants; we think it our indispensable duty, on this occasion, to express our utmost abhorrence of all such traiterous proceedings, and our highest resentment against the authors and promoters of them; and to renew to your majesty the hearty and vigorous resolutions of your faithful Commons to support your majesty, and your government, against all your open and secret enemies; and to contribute the utmost in our power to the honour and safety of your sacred person, and the quiet and security of your government:

"And to that end, we crave leave most humbly to beseech your majesty, that you will be graciously pleased to give directions to the several magistrates throughout your kingdom, that the laws now in force may be put in a speedy, and in the most vigorous, execution, against all such persons as shall be found any way concerned in the rebellious and tumultuous riots and disorders which have been committed, and are now carrying on, by persons disaffected to your majesty, and your government; and that a strict inquiry may be made to discover the authors and promoters of them, so as they may be brought to condign punishment:

"And it being apparent, that the neglect or misbehaviour of many justices of peace, and other magistrates, have given great encouragement to the said disorders, we crave leave, in all humility, to beseech your majesty, that an account may be taken of such justices of the peace, as have failed in the discharge of their duty on these occasions; and that such of them as shall appear to your majesty to have neglected their duty, may be forthwith put out of the commissions of the peace; and that such other magistrates, as shall likewise appear to your majesty to have neglected their duty therein, may be proceeded against with the utmost rigour of the law.

"And as your loyal Commons are fully assured, that, by the wisdom and steadiness of your administration, the sceptre in your royal hand will soon become a terror to all those, who, by open or secret practices, shall any way abet the enemies of your person or government; so, from our most dutiful regard to your majesty, and in justice to those of your subjects, who for their zeal, and firm adherence to your majesty, and your government, have been sufferers in the said tumultuous and traiterous disorders, we do most humbly beseech your majesty; that you will be most graciously pleased to give directions, that an exact account may be taken of the losses and damages which any of your subjects have sustained by reason of the said tumultuous and rebellious proceedings; and that the sufferers may have full compensation made them for their damages; your faithful Commons most humbly assuring your majesty, that all expences which shall be incurred on that account, shall be made good to your majesty out of the next aids that shall be afterwards granted by parliament:

"And, for the security of your sacred person, and the quieting the minds of your faithful subjects, we do further most humbly advise your majesty, that you will be graciously pleased to give orders, that the magistrates throughout the kingdom, in their several stations, do speedily and effectually put the laws in execution against papists and nonjurors."

The King's Answer.] To this Address, his Majesty gave the following answer.

"Gentlemen.

"I thank you heartily for your address, and the many marks of zeal and affection which you express for my honour and safety, and the

security of the kingdom.—I will give immediate directions for putting in execution the several matters which you so justly recommend to me; And as I am resolved on all occasions, to follow the advice of my Parliament; so I have no doubt, but that, by the blessing of Almighty God, and your seasonable and vigorous assistance, I shall soon be enabled effectually to suppress that spirit of rebellion, which is so industriously fomented among us, and to establish the peace and prosperity of my people."

The King's Speech relating to an Invasion by the Pretender.] July 20. The king came to the house of peers and passed several acts. Then his majesty, after conferring with the Lord Chancellor, spake as follows:

"My lords, and gentlemen; I have given direction to my Lord Chancellor, to declare to you, in my name and words, a matter I think of the greatest importance."

Then the Lord Chancellor spake as follows:

"I have received his majesty's commands, to deliver to you, in his name, this his majesty's speech, now put into my hand by his majesty from the throne.

"My lords, and gentlemen,

"The zeal you have shewn for preserving the peace of my kingdoms, and your wisdom in providing so good a law to prevent all riotous and tumultuous proceedings, give me great satisfaction; but I am sorry to find, that such a spirit of rebellion has discovered itself, as leaves no room to doubt but these disorders are set on foot and encouraged by persons disaffected to my government, in expectation of being supported from abroad.—The preservation of our excellent constitution and the security of our holy religion, has been and always shall be, my chief care; and I cannot question but your concern for these invaluable blessings is so great, as not to let them be exposed to such attempts, as, I have certain advices, are preparing by the Pretender from abroad, and carrying on at home by a restless party in his favour.

"Gentlemen of the House of Commons;

"In these circumstances, I think it proper to ask your assistance; and make no doubt but you will so far consult your own security, as not to leave the nation, under a rebellion actually begun at home, and threatened with an invasion from abroad, in a defenceless condition: And I shall look upon the provision you shall make for the safety of my people, as the best mark of your affection to me."

The Lords' Address thereon.] His majesty having retired, the Lords agreed upon the following address:

"Most gracious sovereign; We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty the most humble thanks of this House, for your majesty's most gracious assurances, 1. That the preservation of 'our excellent constitution, and the security of 'our holy religion, has been, and always shall be 'your chief care;' and for communicating to your parliament the advices from abroad, of an intended invasion of these kingdoms, countenanced and encouraged by insurrections here at home, fomented and stirred up by the abettors and supporters of the Pretender's interest. And we do most humbly assure your majesty, that this House will stand by and assist your majesty, at the hazard of our lives and fortunes, in support and defence of your sacred person, and your undoubted right and title to the crown in defiance of all your open and secret enemies."

The King's Answer.] The said Address being the next day presented to the king, his majesty gave this Answer:

"My lords;

"I thank you for the zealous affection you express towards me, and the assurances which you give me in this address; and you may depend on my punctually making good all those which I have given to my people, either on this or any former occasion."

Address of the Commons.] The Commons being returned to their House, it was resolved, *nem. con.* "That an humble Address be presented to his majesty, to return the most humble and dutiful thanks of this House to his majesty, for communicating to his parliament, the advices he has received of an attempt preparing to be made upon the nation from abroad, abetted and encouraged by treasonable practices at home, in favour of a popish Pretender. and to assure his majesty, that this House will, with their lives and fortunes, stand by and support his majesty against all his open and secret enemies; and to desire his majesty, that he will immediately give directions for fitting out such a number of ships as may effectually guard the coasts, and to issue out commissions for augmenting his forces by land; assuring his majesty, this House will, without loss of time, effectually enable him to raise and maintain such a number of forces, both by sea and land, as shall be necessary for the defence of his sacred person, and for the security of his kingdoms."

After this Mr. *Freeman* stood up, and represented "That in so important a juncture, they ought to lose no time in drawing up an address; and therefore moved, That the said resolution be forthwith laid before his majesty by the whole House." He was seconded by

The lord *Guernsey*, who said, "It was well known he had, on many occasions, differed from some members in that House; but being now convinced that our liberty, religion, and all that is dear to Englishmen, were aimed at, he would (laying his hand on his sword) rather die with his sword in his hand, than survive the Pretender's coming in, though he were to enjoy the greatest honours and preferments under him."

Mr *Hampden* having likewise backed Mr. Freeman's motion, it passed into a resolution, *nemine*, and Mr. Bromley, who was ordered

to wait on the king to know his majesty's pleasure, when he would be attended by the House, having, about six in the evening, reported, that his majesty had been pleased to appoint immediately at his palace at St. James's.

The King's Answer.] The House went further, with their speaker, and laid before his majesty the said resolution, to which the king was pleased to return the following answer

"Gentlemen; I thank you heartily for this Address. The zeal and vigour which you shew upon this occasion, will, I trust in God, enable me to defeat the evil designs of our enemies. I will immediately give directions for such an increase of our forces, by sea and land, as I shall judge necessary for your security; and will order estimates of the charge thereof to be laid before you."

Address to the King, to allow the Officers on half pay full pay.] July 26, Mr. *Robert Walpole* took notice, "of the measures the king had taken, pursuant to the desire and advice of that House, to secure his dominions; but represented, that in case of an invasion, the standing troops and new levies would hardly be sufficient: and as he thought it necessary, so he moved, that the officers in half-pay should be put in a capacity to serve the nation, by allowing them full pay." Mr. Secretary Stanhope seconded Mr Walpole's motion; and general Ross only having made a slight objection to it, suggesting, that, to save expences, the standing regiments might be augmented, it was resolved, "That an humble Address be presented to his majesty, that he would be graciously pleased to allow full pay, to such half-pay officers as were not otherwise provided for; and that his majesty would give orders to the said officers to hold themselves in readiness, to be employed in such manner as his majesty should think fit; and to assure his majesty, that this House will supply such extraordinary expence as his majesty should be at on this account, out of the next aids to be afterwards granted by parliament."

This Address being the same day presented to the king, his majesty was pleased to say, "That he looked upon it as a fresh instance of the duty and affection of this House, and of their zeal for the security and preservation of his people and government."

FURTHER ARTICLES OF IMPEACHMENT AGAINST THE EARL OF OXFORD AND EARL MORTIMER.] July 30 Mr R. Walpole reported from the Committee of Secrecy, That they had directed him to exhibit farther Articles of Impeachment of high crimes and misdemeanours against Robert earl of Oxford and earl Mortimer, which he read in his place, and afterwards delivered them in at the table, where they were read: and a motion being made and the question put, that the further consideration of the said Articles be adjourned till the Tuesday following, it passed in the negative. After this it was ordered, that the said Articles be read one by one; which was done accordingly, and, with amendments to one of them, upon the question severally put thereupon, they were agreed to by the House, who ordered, That the said Articles be engrossed, and, that a clause be prepared for saving liberty to the Commons to exhibit any farther articles against the said Robert earl of Oxford and earl Mortimer.

August 2 The engrossed farther Articles of Impeachment against Robert earl of Oxford and earl Mortimer were read, after which it was ordered, that the lord Cowngsby do carry those Articles also to the Lords; which his lordship did immediately. The said farther Articles are as follow:

Further ARTICLES OF IMPEACHMENT of high Crimes and Misdemeanors against ROBERT Earl of OXFORD and Earl MORTIMER.

ARTICLE I.

"That whereas, in or about the month of January in the year 1710 11, a dangerous and destructive Expedition had been projected and set on foot, under the pretence of making a conquest on the possessions of the French king in North America; but with a real design to promote his interests, by weakening the confederate army in Flanders, and dissipating the naval force of this kingdom; as well as for the sake of the private interest and corrupt gain of the promoters of the said expedition, he the said Robert earl of Oxford and earl Mortimer, being then one of her late majesty's privy council and one of the commissioners of her majesty's treasury, was not only wanting in his duty to her late majesty, by wilfully and industriously absenting from the meetings of other persons then in high trust under her majesty, wherein the said Expedition was concerted; and, by not advising her majesty against, and doing what in him lay to have prevented, the putting the same in execution; but did, contrary to his oath and the high trust then reposed in him, advise her majesty to consent to the making an expedition for the conquering Canada, and the city of Quebec, on the river of St. Laurence, in North America: and, in execution of his said evil councils, he did further advise her majesty to give orders for detaching several battalions of the forces then in the service of her majesty in conjunction with her allies in Flanders, and to send the same, with a large squadron of men of war, on the said enterprize; although the said Robert earl of Oxford and earl Mortimer well knew, that the said project or expedition, having been frequently deliberated on, and maturely considered a short time before in a committee of council, was then laid aside as dangerous and impracticable and a demand being made, at the treasury, on or about the months af May and June 1711, for the sum of 28,000*l.* or thereabouts, on pretence of arms and merchandizes said to be sent on the said expedition to Canada; he the said Robert earl

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of Oxford and earl Mortimer, being then lord high treasurer of Great Britain and one of her majesty's privy council, though he well knew, or had reason to suspect, that the same was an unjust and exorbitant demand, and a great abuse on her majesty and the public, and such as ought not to have been complied with, was not only wanting in his duty to her majesty, in not giving his humble advice against the said demand, or at least in not representing to her the ground of such his suspicion; but did, contrary to his oath and his duty, advise her majesty, that the said sum should be issued and paid, and did accordingly countersign a warrant to the paymaster of her majesty's forces for the payment of the same; pursuant to which, the same was issued and received. And, in further violation of his oath, his duty, and trust, and with the most corrupt design to prevent the justice due to her majesty and the nation, he the said Robert earl of Oxford and earl Mortimer, being then lord high treasurer of Great Britain, and exercising a most unexampled arbitrary power, not only in her majesty's private councils, but extending his evil influences to the great council of the nation, after the said expedition had proved unsuccessful, and it had been discovered to him the said Robert earl of Oxford and earl Mortimer that the nation had been cheated of above 20,000*l.* on that account, did most ungratefully and corruptly employ his wicked arts, and the credit which he had gained by his many false and crafty insinuations and practices, to keep the House of Commons from examining that affair; and, in or about the month of August 1714, in a letter or memorial, under his own hand, to her late majesty, he did presume, not only to insinuate the ill opinion he therein pretended always to have had of the said expedition, but did declare the suspicions he had of the great injury and abuse done to her majesty and the public, in the demand of the said 28,000*l.*, even at the time when the same was made, and that the public had been cheated of above 20,000*l.* on that account; and, in the said memorial, did presume further to declare to her majesty, 'that he was 'forced to use all his skill and credit, to keep 'the House of Commons from examining that 'affair the last parliament;' thereby vainly, but most wickedly, recommending himself to the continuance of her majesty's favour, by the success of his most profligate measures. By all which unparalleled corruptions and most dangerous counsels and practices of him the said Robert earl of Oxford and earl Mortimer, the good and faithful allies of her majesty were deprived of the aid of her majesty's troops, to which they were entitled by their conventions; and the confederate army in Flanders was greatly diminished, to the apparent advantage of the common enemy; the public money granted by parliament for reducing the power of France, and which was expressly appropriated for other special services, was arbitrarily and illegally misapplied and embezzled, and a heavy debt incurred on the nation; not only during the parliament, but even in contempt and defiance of a representation made by the House of Commons to the throne, even whilst the said expedition was concerting; and whereby the highest injustice was done, in suppressing no inquiry so just to her Majesty and her people, and a lasting reproach and scandal brought on that House of Commons, of which he boasts, as having been wrought on, by his corrupt influence, not to examine into so high and scandalous an abuse.

ARTICLE II.

"That the said Robert earl of Oxford and earl Mortimer, not contented with the high employments and places of honour and profit bestowed on him by her late majesty, nor with the large and excessive gains by him made by the incomes and profits of the said employments, on or about the month of October 1711, whilst the nation was engaged in a most expensive war against France and Spain for preserving the liberties of Europe, and greatly exhausted with the supplies and taxes for carrying on the same, and was under such heavy debts as were impossible to be satisfied without the utmost frugality, or laying grievous taxes on the Commons of Great Britain contrary to his oath and his high trust, and making a most dishonourable and ungrateful use of the ready access he had to her late majesty, did prevail on and advise her majesty to sign a warrant to himself, being then lord high treasurer of Great Britain, for the issuing and payment of the sum of 13,000*l.* to John Drummond, esq. or his assigns, for such special services, relating to the war, as her majesty had directed; and the said Robert earl of Oxford and earl Mortimer, on or about the 24th day of November following, in pursuance of the said warrant under her majesty's sign manual; did sign a warrant for the payment of the said 13,000*l.* for such special services of the war as her majesty had directed, although no special services had been, or were at any time afterwards, directed by her majesty, to which the said monies were to be applied; and the said earl of Oxford and earl Mortimer having privately desired leave of the said Drummond to strike some tin tallies in his the said Drummond's name, he did, pursuant thereto, direct that orders, amounting to the sum of 13,000*l.* should be charged in the register of the exchequer, on monies arising by sale of tin, in the name of the said John Drummond; and though the same were accordingly struck, in the name of the said Drummond, in or about the month of November 1711, they were not delivered out to the said Drummond, but were kept in the treasury chamber, or elsewhere in the power or custody of the said earl, till about the end of January following; when the said Drummond having occasion, as the said Robert earl of Oxford and earl Mortimer well knew, to go into Holland, at the desire and request of the

said earl, he endorsed his name on the said orders; and the same were left by his privity, direction or consent, in the hands of Master John Taylor a clerk of the treasury; and the said Robert earl of Oxford and earl Mortimer, having afterwards got possession of the said orders, did in or about the month of June 1712, send an order, in writing, to the said Master Taylor, to deliver the said tallies to a servant of the said earl, which was done accordingly, the same endorsements not being at that time filled up; and the said Robert earl of Oxford and earl Mortimer, having by these corrupt and scandalous methods, got the said tallies and orders into his own hands, did afterwards fill up assignments of the said orders for 12,000*l.* part of the said 13,000*l.* to himself, and the remaining part to such other persons as he thought fit; and did afterwards, in or about the months of August, October, and November, 1713, at several times, dispose of the said orders and tallies to his own private use and advantage; and, to cover the said scandalous embezzlements, he the said Robert earl of Oxford and earl Mortimer did afterwards, as he pretends, advise and prevail on her majesty, on or about the 14th of December, 1713, to sign a warrant prepared by himself, wherein, after the recitals of his own good, faithful, and acceptable services which had tended to the quiet, safety, and prosperity of her majesty and her realms, though accompanied with great difficulties on himself and hazards to him and his family; and that her majesty was resolved to bestow upon him a sum of ready money; but the said earl representing to her majesty, that the arrears then due to her servants and tradesmen were very great and pressing, her majesty did therefore agree and determine that he should have to his own use the said several sums, amounting to 13,000*l.* comprized in the orders aforesaid; it was directed, that the said John Drummond should assign the said orders, and the whole right and benefit thereof, to the said earl and his assigns; although the said earl had privately and clandestinely procured from the said Drummond an assignment of the said orders near two years before the said warrant, and had fraudulently and corruptly disposed and converted them to his own use, without her majesty's privity or consent, some time before her majesty was prevailed on to sign the said warrant: and though the last mentioned warrant, if any such there be, was not communicated to the said Drummond by the said earl during her majesty's life; nor was the same countersigned, nor entered in the treasury; yet he the said Robert earl of Oxford and earl Mortimer, even after his said corruption had been discovered in parliament, did presume without the privity of the said Drummond, to send the said warrant to the commissioners of his majesty's treasury, desiring that the same might then have been entered in the treasury; but the same was, with great honour and justice, refused to be so entered; by which most vile and scandalous corruption, he the said Robert earl of Oxford and earl Mortimer was guilty of the most notorious breach of his oath, and trust as lord high treasurer of Great Britain, of the highest abuse of her majesty's goodness, and embezzlement of her treasure, and of the greatest injustice and oppression of other her majesty's subjects.

ARTICLE III.

"That whereas, by the established and known laws of this kingdom, the allowances or appointments for the maintenance and support of ambassadors, envoys, plenipotentiaries, and other public ministers of the crown in foreign courts, ought to be ascertained in due form of law, as well in honour, as in justice to the imperial crown of these realms; and whereas the said Robert earl of Oxford and earl Mortimer, in or about the month of July or August 1712, sent Matthew Prior esquire, an instrument and creature of his own, into France, for the carrying on his separate and dangerous negotiations; and did afterwards, in the month of November 1712, by his evil counsels, prevail on her late majesty, without the privity of, or any communication with, her allies, to send the said Matthew Prior as her majesty's plenipotentiary to the French king, with instructions to treat and conclude matters of the highest importance relating to the general negotiations of peace; but the same was a treacherous and wicked contrivance of him the said Robert earl of Oxford and earl Mortimer, for the more effectual carrying on and promoting his private, separate, and dangerous practices, with the ministers of France, and the enemies of her majesty and her kingdoms; he the said Robert earl of Oxford and earl Mortimer, not regarding his oath or his high trust, or the laws of the kingdom, did most corruptly and scandalously combine with the said Matthew Prior, for the defrauding her majesty of very great sums, under the colour of his said employments in France; and, to that end, the said earl did contrive that the said Prior should be sent into France with the character aforesaid, but without any settled appointments or allowances; but, in the stead and lieu thereof, he the said Robert earl of Oxford and earl Mortimer did give the said Matthew Prior an unlimited credit, and did promise to answer and pay such bills as the said Prior should draw on him during his residence in France; pursuant to which contrivance and corrupt agreement, he the said Matthew Prior did, between the 27th of August in the year 1712 (N. S.) and the 10th of July 1714, or thereabouts, at several times, draw bills of exchange, to the amount of 12,360*l.* or thereabouts, on him the said Robert earl of Oxford and earl Mortimer, which he, being then lord high treasurer of Great Britain, did advise and prevail upon her majesty to sign warrants for the payment of, and did countersign the same, although the said Prior was no way entitled to any such allowances by reason of his said employment, and the same greatly exceeded the allowance

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even of an ambassador of the crown of Great Britain. And the said Robert earl of Oxford and earl Mortimer did, in the years 1712, 1713, and 1714, without any colour of authority, but for the further promoting his corrupt and wicked purposes, prevail on and advise her majesty to sign warrants, which were countersigned by himself, for the payment of the sum of 5,560*l.* or thereabouts, to the use of Thomas Harley esquire, a near relation and emissary of him the said earl of Oxford and earl Mortimer, out of the monies appropriated to the use of her majesty's civil list; and did, in like manner, at several times, in the years aforesaid, most illegally, fraudulently, and corruptly, issue or direct, or advise the direction and payment, of several other large sums of money, to other persons, out of her majesty's treasury: by which most illegal and scandalous management, he the said Robert earl of Oxford and earl Mortimer has introduced a practice highly prejudicial to, and utterly inconsistent with, the constitution of this kingdom, and of the most pernicious consequence, by opening a way for the most dangerous corruptions; and was not only guilty of a notorious breach of his oath, but entered into the most base and scandalous combination with the persons aforementioned, and others, under pretence and colour of promoting her majesty's service, to defraud her majesty of the public money, which he was entrusted with the management of for the support of the honour and dignity of the crown.

ARTICLE IV.

"That whereas the revenues arising to the crown from the hereditary excise and post office, or some parts thereof, were, by virtue of letters patents of the late king James the second, charged with, and made liable to, certain annuities, or yearly sums, in trust for, or to the use of, Mary the consort of the said King James the second; but the said revenues were afterwards, by several acts of parliament, granted and settled for the support of the royal household, and of the honour and dignity of the crown, or for other public uses, without any saving or exception of the said letters patents; and whereas, by an act made in the twelfth year of her late majesty's reign, the sum of 500,000*l.* was granted to her late majesty, for the discharge of divers arrears of salaries, diet-monies, and other allowances, and sundry debts for preemptions, provisions, and other causes, which had been then incurred, and grown due to her late majesty's servants, tradesmen, and others, and were occasioned by several extraordinary expences, since the act for the better support of her majesty's household, and of the honour and dignity of the crown; and the said sum of 500,000*l.* was expressly appropriated to the uses aforementioned, in aid of the said revenues or branches which were appointed for the support of her majesty's household, and of the honour and dignity of the crown: and whereas, by an act made in the 13th and 14th years of his late majesty king William the third, it was enacted, "that for preventing traiterous correspondence between his majesty's subjects and the pretended Prince of Wales or his adherents, that if any of the subjects of the crown of England, from and after the first day of March 1701, should, within this realm or without, hold, entertain, or keep, any intelligence or correspondence, in person, or by letters, messages, or otherwise, with the said pretended Prince of Wales, or with any person or persons employed by him, knowing such person to be so employed, or should, by bill of exchange or otherwise, remit or pay any sum or sums of money for the use or service of the said pretended Prince of Wales, knowing such money to be for such use or service; such person so offending, being lawfully convicted, should be taken, deemed, and adjudged, to be guilty of high treason, and shall suffer and forfeit as in cases of high treason;" he the said Robert earl of Oxford and earl Mortimer having, by the means of the said Matthew Prior, held a private and unlawful correspondence with the said consort of the late king James 2, then residing in France, and being determined secretly to promote us far as in him lay the interests of the Pretender, but yet contriving to avoid the said penalty of high treason; and the said consort of his late majesty king James 2 having empowered Abbot Gaultier, a popish priest and busy emissary between Great Britain and France during the said private and separate negotiations of peace, and who was particularly entrusted, as the common agent between the ministers of Great Britain and France, in transacting the most secret affairs relating to the Pretender, to concert with the said Robert earl of Oxford and earl Mortimer the settling the payment and remittance of a very great yearly sum out of her majesty's treasure into France, under colour and pretence of the said letters patents; and the said Robert earl of Oxford and earl Mortimer having held frequent clandestine conferences with the said Abbot Gaultier, on the subject aforesaid; and having, by his evil counsels, sacrificed to France the common interests of Europe; and being resolved, that the first fruits of the peace with France should be an offering, made by his immediate procurement, to the nearest and most avowed adherent of the Pretender, though at the great expence of the honour and safety of her majesty and her people; did, soon after the conclusion of the peace with France, agree and undertake to procure the payment of the yearly sum of 47,000*l.* and upwards, to, or to the use of, the said consort, during her life; and, in execution of his said purpose, did afterwards, on or about the 23d of December 1713, being then lord high treasurer of Great Britain and of her majesty's privy council, advise her late majesty to sign a warrant to himself, in the words or to the effect following; videlicet, "ANNE R. Whereas our late royal father king James 2, by letters patents under his great seal, bearing date on or about the 28th day of August 1685, did grant unto Lawrence earl of Rochester, Henry earl of

Peterborow, Sidney lord Godolphin, Robert Wardeo esquire, and sir Edward Herbert knight, (who are all since deceased), divers annuities, or yearly sums, amouotiog to 37,328*l.* 13*s.* 7*d.* to hold to them and their heirs, duriog the life of his then royal consort Mary oow queen dowager, in trust for her; and, by other letters patents, bearing date on or about the third day of December 1685, did also grant uoto the said quseo a further pension or yearly som of 10,000*l.* to hold during her natural life; all which were made payable in soch manner as in the said several letters patents is more fully expressed: our will and pleasure now is, and we do hereby direct, authorise, and command, that you cause payment to be made, to the heirs of such of the said trustees as was the longest liver of them, of so much as, since the 25th day of March last, 1713, is incurred or growo due on the said annuities or yearly sums, amounting to 37,328*l.* 13*s.* 7*d.*; and to the said quseo dowager, or her assigns, of so much as, since the said 25th day of March last, is ocurred or grown due on the said annuity of 10,000*l.* according to the purport of the several grants or letters patents above recited; as also of what shall hereafter become due and payable upon the said several annuities, quarterly, during the life of the said queen dowager; and for so doing, this shall be your warrant. Given at our court at Windsor Castle, the 23d day of December, 1713, in the 12th year of our reign." And did afterwards, on or aboot the 24th of December following, sign a warrant to the auditor of the receipt of her majesty's exchequer, requiring him to make and pass debentures, for paying to such persoo or persons as is, are, or shall be, authorized to receive the same, the sum of 9,332*l.* 3*s.* 4*d.* ½. for one quarter, iocurred upon the said several yearly sums therein meotioned, from Lady-day 1713 to Midsommer followiog; and appointed the same to be satisfied out of the sum of 500,000*l.* appropriated by an act passed the theo last sessioo of parliameot, for or towards payment, of such debts and arrears as were therein mentioned; and another warrant to the said auditor, to make and pass debentures for paying to the said queen, or to her treasorer or receiver, the sum of 2,500*l.* for ane quarter, incurred oo the said pension of 10,000*l.* per annum, from Lady-day 1713 to Midsummer then last past; and appointed the same to be satisfied out of the sum of 500,000*l.* appropriated by an act passed the theo last session of parliament, for or towards payment of such debts and arrears as were therein mentioned. And the said Robert earl of Oxford and earl Mortimer, on or about the 20th of July 1714, being then lord high treasurer of Great Britain and of her majesty's privy council, having corruptly and deceitfully, in further violation of his oath and his high trust, advised her late majesty to sign a warrant directiog the payment of 1,000*l.* sterling to Daniel Arthur, esquire, for moaies expended by him for her majesty's special service; and the same being accordingly issued, and received by him the said Arthur out of her majesty's treasure; he the said Robert earl of Oxford and earl Mortimer, being then also lord high treasurer of Great Britain, did give private direction to the said Arthur, to pay the said sum of 1,000*l.* to the said Abbot Gaultier, or to his use; pursuant to which direction, the said Arthur did pay, or cause to be paid, the said sum of 1,000*l.* to the said Abbot Gaultier, or to his use, whereby the said Robert earl of Oxford and earl Mortimer did most wickedly betray the honour of her late majesty and the imperial crown of these realms, in advising her, under colour of the said letters pateots, and without the advice of her counoil or her parliament, to direct the issuing of the revenue provided by parliament for the support of the honour and dignity of the crown, to the use and benefit of the open and avowed adherent of the Pretender; and did not only defraud her majesty of the said sum of 1,000*l.*; but did most arbitrarily, illegally, and corruptly, advise the embezzlement and misapplication of so much of the said sum of 500,000*l.* in contempt and defiance of the express appropriation of an act of parliament.

ARTICLE V.

"That whereas, by the ancient and andoabted laws of this kingdom, no person, being a natural born subject of this realm, or within any of the dominions thereunto belonging, and having committed and being under the guilt of high treason, ought to be received within this kingdom as a public minister, or with any character, from any foreign prince, state, or potentate; and whereas, some time in the year 1713, one Patrick Lilesh, stiling himself as commonly known by the name of sir Patrick Lawless, an Irish papist (who had served with the late king James the second in the war in Ireland, against his late majesty king William the 3, of ever glorious memory, had followed the said king James into France, and continued in the most open and avowed manner to his interest and service, and in rebellioo against his said majesty king William, and had bore high commissions, and had been in open arms against her late majesty queen Anne, in the late war in Spain) did come into this kingdom, and pretended to have, and did take on himself, the character of a minister, sent from Philip king of Spain to her late majesty, to treat of matters of the greatest importance to the honour and safety of her majesty and her kingdoms; and having given notice of the same to Robert earl of Oxford and earl Mortimer, then lord high treasurer of Great Britain and of her majesty's privy council, and who then assumed to himself the supreme direction in her majesty's councils; he the said Robert earl of Oxford and earl Mortimer was not only wanting in his duty to her majesty, in not advising her majesty against receiving and admitting the said Lilesh, alias Lawless, in the quality aforesaid; but did, together with other false and evil counsellers, advise her majesty to receive and admit him as a minister from his said catholic majesty; which the said earl did presume fre-

quently to meet, confer, and negotiate, the most important affairs of the nation, with the said Lilesh alias Lawless, in the quality aforesaid; and, the better to conceal his said illegal and dangerous measures from her said majesty, he the said Robert earl of Oxford and earl Mortimer was privy to, consenting, and advising, that the said Lilesh, alias Lawless, should be introduced to her said majesty, and should be received and treated by her ministers, under the false and disguised name of don Carlo Moro; and the House of Lords, some time in the month of April 1714, having notice of the said dangerous attempt of the said Lilesh, alias Lawless, on or about the ninth of the said month made an humble address to her majesty, "That she would be graciously pleased to issue her royal proclamation, commanding all proper officers and magistrates to make diligent search for, and to apprehend, all popish priests, and to put the laws in execution against them; and likewise to inquire after and apprehend, all such persons as have served in arms against her majesty, or their late majesties king William and queen Mary, and who were then within this kingdom, contrary to law, to the end that they might be brought to justice;" which her majesty was graciously pleased to return an answer to the effect following; *videlicet*, 'That 'she would give orders pursuant thereto;' and a proclamation did accordingly issue; and on the said ninth day of April, the House of Lords having under their consideration what further security could be provided for strengthening the Protestant Succession in the House of Hanover, came to the following resolution, *videlicet*, 'That no person being natural born subject of 'Great Britain, or within any of the dominions 'thereunto belonging, and who having traiterous-'ly served against her majesty, ought to be re-'ceived as a public minister, or with any cha-'racter, within this kingdom;' notwithstanding which, he the said Robert earl of Oxford and earl Mortimer, having no regard to the safety of her majesty's person, or to the security of the Protestant Succession, and setting himself in utter defiance, not only of the said advice and resolution of the House of Lords, but of her majesty's assurances to that House of Parliament and of her royal authority and command by her proclamation under the great seal, instead of doing what in him lay to have apprehended and brought or causing the said Lilesh, alias Lawless, to be brought to justice, did afterwards, on or about the 15th day of March 1714, most wickedly and treacherously advise her majesty to sign a warrant, directing the payment of 1,000*l.* sterling to Daniel Arthur esquire, for special services; which being accordingly issued, and received by the said Arthur, he the said earl did privately and corruptly direct the said Arthur to pay the same, and accordingly the said 1000*l.* was paid to the use of the said Lilesh alias Lawless; and the said Robert earl of Oxford and earl Mortimer did at other times, in a fictitious and scandalous manner, direct the payment of other considerable sums of money out of her majesty's treasure, to the said Lilesh, alias Lawless, which were accordingly paid to him; although it was notorious, that the said Lilesh, alias Lawless, had not only traiterously served in arms against her majesty, but had been the minister or agent of the Pretender at the court of Vienna, and was under strong suspicions of being sent into England, though under the pretences aforesaid, secretly to promote the interest of the Pretender in these kingdoms: by all which corrupt and evil counsels, he the said Robert earl of Oxford and earl Mortimer did most basely and ungratefully expose the person of her sacred majesty, did what in him lay to enervate and render ineffectual the advice of parliament, and her majesty's most solemn declarations, in a matter of the nearest concern to her majesty and her kingdoms, and, by countenancing in the most corrupt and scandalous manner the secret emissaries of the Pretender, did greatly encourage his open adherents, to the apparent danger of the Protestant Succession to the imperial crown of these realms.

ARTICLE VI.

"That whereas her late majesty queen Anne, after several unsuccessful attempts, in conjunction with her allies, to establish his present imperial majesty on the throne of Spain, being informed that the people of Catalonia were inclined to cast off the yoke imposed upon them by the French, and return to the obedience of the house of Austria; and her majesty being desirous to maintain and improve that good disposition in them, and to induce them to put the same speedily in execution; did send Mitford Crow, esq to them, with necessary powers and instructions to carry on so great a work, for the advantage of her service, and the good of the common cause, and, to that end, to treat with the Catalons, or any other people of Spain, about their coming into the interest of King Charles the 3d, his present imperial majesty, and joining with her majesty and her allies against the common enemy: and her majesty, after her gracious assurances to assist them with men and money, was pleased to authorise her said minister to give them her utmost assurances, to procure the establishment of all such rights and immunities as they had formerly enjoyed under the house of Austria; and that, for their further satisfaction, she had sent for powers from king Charles the third, for confirming the same, and was willing to become guarantee that it should be done: nevertheless, on this express condition that they should receive the said King Charles as lawful king of Spain, and utterly renounce the house of Bourbon; and, together with the said instructions, her majesty was pleased to sign, and cause to be delivered to her said minister, credential letters, to the nobility, magistrates, and all other officers, civil and military, of Catalonia, desiring them to depend on the promises he should make them in her name;

and, in her majesty's instructions to the earl of Peterborough and sir Cloudesley Shovell, in or about the month of May 1705, they are ordered to use their utmost endeavours to induce the Catalans to join with them in their undertaking; and to assure them of her majesty's support, and to promise them in the queen's name, that she would secure them a confirmation of their rights and privileges from the king of Spain, that they might be settled on a lasting foundation to them and their posterity; and in case persuasion should not prevail, and the Catalans should not make a suitable return to those kind offers, they were ordered to annoy their towns on the coast of Spain, and to reduce them by force: and in conformity to these instructions, a manifesto, or declaration, was prepared by the privity and advice of Robert earl of Oxford and earl Mortimer, then one of her majesty's principal secretaries of state, and delivered to the said earl of Peterborough, full, on the one hand, of the assurances afore-mentioned; and, on the other hand, of menaces to them, in case they declined her majesty's overtures; which manifesto was afterwards published by him the said earl of Peterborough in Catalonia: and whereas the nobility, clergy, and the whole principality of Catalonia, and the inhabitants of the isle of Majorca, relying on the faith of those royal assurances, did utterly abandon the House of Bourbon, and acknowledged king Charles the 3d, his present imperial majesty, for their lawful sovereign, and did join their arms with those of her majesty and her allies, against the duke of Anjou; and it having pleased Almighty God so far to bless her majesty's pious and generous undertaking, as by most signal successes, in a short time, to deliver the principality of Catalonia from the heavy yoke of French bondage; and great supplies having been granted by parliament for the reducing the whole kingdom of Spain to the obedience of the house of Austria, the arms of her majesty and her allies were attended with vast successes, having twice entered the capital city of that kingdom, and obtained many other signal conquests, to the great advantage of the common cause; and through the whole progress thereof, the bravery and firmness of the Catalans being always remarkable, thereby, as well as from the repeated assurances given to them, from time to time, in her majesty's name, by every general and minister sent from Great Britain to Spain, the hearts of that brave people were united under the strongest ties of affection and gratitude to her majesty; and they were justly held in the strictest dependence on the continuance of her royal protection; he the said Robert earl of Oxford and earl Mortimer, being an enemy to the common liberty of Europe, and having traiterously entered into conspiracies for subjecting the whole Spanish monarchy to the House of Bourbon, and designing most maliciously the utter ruin and destruction of the ancient rights, liberties, and privileges, of the Catalans, who had made glorious stand for the preservation of them, did, together with other false and evil counsellors, form a most dishonourable, wicked, and cruel contrivance, not only for abandoning the Catalans to the fury and revenge of the duke of Anjou and his adherents, but for the final extirpation of all their rights, liberties, and privileges; and, in execution of that his intention, during the private, separate, and pernicious negotiation of peace, which was carried on between him and the ministers of France, and before any negociations of peace was set on foot in due form of law, tween the crowns of Great Britain and Spain, did advise her majesty to give directions to the lord Lexington, her ambassador to the court of Spain, to acknowledge the duke of Anjou king of Spain; but was greatly wanting in his duty to her majesty, in not advising her to give instructions to her said minister, at the same time, peremptorily and absolutely to insist on the securing the Catalans liberties, at the conclusion of the peace: And although the private, separate, and treacherous practices of him the said Robert earl of Oxford and earl Mortimer and others, in combination with the ministers of France, did afterwards, on or about the 14th of March 1713, necessitate his present imperial majesty to conclude a treaty for the evacuating Catalonia, whereof her majesty was guarantee, without any express and positive stipulations for the Catalans liberties; his imperial majesty relying in that respect on her majesty's declaration to interpose for them in the most effectual manner, and on the promises of the French king to join his endeavours for the same purpose; and although her sacred majesty did, both before and after, frequently declare, by her ministers in Spain, "That she thought herself under the strongest ties of honour and conscience, not to abandon a people, whom the necessities of the war had obliged her to draw into her interest;" and though the French king did not join his endeavours for the purposes aforesaid; he the said Robert earl of Oxford and earl Mortimer, together with other false and wicked counsellors, having, from time to time, amused and deceived the distressed Catalans with groundless hopes of her majesty's effectual interpositions in their favour, thereby engaging them in a more obstinate defence of their territories against the duke of Anjou, was not only highly wanting in his duty to her majesty, by not doing what in him lay, as a faithful minister, to have prevented the conclusion of the treaty of peace with Spain, till just and honourable conditions were secured for the Catalans, but did, falsely, maliciously, and treacherously advise her majesty to conclude a peace with the king of Spain, without any security for the ancient and just rights, liberties, and privileges, of that brave, but unhappy nation; and did further advise her majesty to send sir James Wishart, her admiral, with a large squadron of men of war, at a great expense, to favour the said king of Spain in the siege of Barcelona, the capital city of Catalonia; [and with express in-

atructions, "That in ease the inhabitants of Majorca should refuse the terms that should be offered them by the duke of Anjou, to employ his squadron in countenancing and assisting all attempts that should be made for reducing them to a due obedience," by which most vile and detestable counsels, her sacred majesty, contrary to her most pious intentions, the faith of nations, and the duties of religion and humanity itself, and contrary to her solemn and repeated assurances, was prevailed on to abandon a distressed people, drawn in and engaged by her own invitation into an open war with the duke of Anjou, for the preservation of the liberties of Europe, and the commerce of Great Britain; and the persons, estates, dignities, rights, liberties and privileges of the Catalans, were given up, as a sacrifice to the implacable resentment of their enraged and powerful enemy; and the honour of the British nation, always renowned for the love of liberty, and for giving protection to the assertors of it, was most basely prostituted; and a free and generous people, the faithful and useful allies of this kingdom, were betrayed, in the most unparalleled manner, into irrevocable slavery; and in consequence of which most dishonourable and perfidious counsels, the most execrable hostilities, burnings, and plunderings, were committed upon them throughout their whole province, without sparing the effusion of innocent blood, and without the distinction of age or sex; and that unfortunate people were afterwards forced to undergo the utmost miseries of a siege, in their capital city of Barcelona; during which, great numbers of them perished by famine and the sword, many of them have since been executed; and great numbers of the nobility of Catalonia, who, for their constancy and bravery in defence of their liberties, and for their services, in conjunction with her majesty and her allies, had, to all honour, justice, and conscience, the highest claim to her majesty's protection, are now dispersed in dungeons throughout the Spanish dominions; and not only the Catalan liberties extirpated, but, by those wicked counsels of him the said Robert earl of Oxford and earl Mortimer, Catalonia itself is almost become desolate: all which crimes and misdemeanors were committed and done by him the said earl, against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him the said earl; and he the said Robert earl of Oxford and earl Mortimer was either commissioner of the treasury, or lord high treasurer of Great Britain, and one of her majesty's privy council, during the time that all and every the crimes before set forth, were done and committed: for which matters and things the knights, citizens, and burgesses of the House of Commons in parliament assembled, do, in the name of themselves and of all the Commons of Great Britain, further impeach the said Robert earl of Oxford and earl Mortimer of other high crimes and misdemeanors, in the said Articles contained."

"And the said Commons, by protestation saving to themselves the liberty of exhibiting, at any time hereafter, any other accusations or impeachments against the said earl: and also of replying to the answers which the said Robert earl of Oxford and earl Mortimer shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited, according to the course and proceedings of parliament, do pray, that the said Robert earl of Oxford and earl Mortimer be put to answer all and every the premises; and that such proceedings, examinations, trials, and judgments, may be upon them, and every of them, had and used, as shall be agreeable to law and justice."

Mr. Walpole reports the Articles of Impeachment against Lord Bolingbroke.] August 4. Mr Walpole from the Committee of Secrecy acquainted the House, that the Committee had prepared Articles of Impeachment of high treason, and other high crimes and misdemeanors against Henry viscount Bolingbroke; and that the committee had commanded him, at the same time, to acquaint the House, that they shall, in a short time, have farther Articles to lay before the House against him; and that the Committee had directed him to report the Articles already prepared, to the House. Then Mr Walpole read the Articles in his place, and afterwards delivered them in at the table, where they were once read, and then a second time, Article by Article, and upon the question severally put thereupon, agreed unto by the House; who ordered, That the said articles be engrossed, and that a clause be prepared, for saving liberty to the Commons to exhibit any farther Articles against the said Henry viscount Bolingbroke, and that he may be sequestered from parliament and committed to safe custody.

Mr. Walpole reports the Articles of Impeachment against the Duke of Ormond.] August 5. Mr R. Walpole, from the Committee of Secrecy, acquainted the House, that the Committee had prepared Articles of Impeachment of high treason, and other high crimes, and misdemeanours, against James duke of Ormond, which they had directed him to report to the house. Then Mr. Walpole read the said Articles in his place, and afterwards delivered them in at the table, where they were once read, and afterwards a second time, Article by Article.

Debate thereon.] A motion being made, and the question put, That the House agree to the first Article, there arose a warm debate, in which a member said that the report of the Committee of Secrecy had begun to open his eyes; and that the duke of Ormond's flight had fully convinced him, that the heads of the Tory party were a set of knaves and villains, who designed to have ruined their country, and made it a province of France.

The lord *Stanhope*,* who spoke for the first

* Afterwards earl of Chesterfield.

time, said, he never wished to spill the blood of any of his countrymen, much less the blood of any nobleman; but that he was persuaded, that the safety of his country required that examples should be made of those who had betrayed it in so infamous a manner.

The lord Finch spoke also on the same side; and after some other speeches, the first Article was agreed to by a majority of 177 voices against 78; and then the other Articles, upon the question severally put thereupon, were also agreed unto by the House; after which it was ordered, That the said Articles be engrossed, and that a clause be prepared for saving liberty to the Commons to exhibit any further Articles against the said James duke of Ormond; and that he may be sequestered from parliament, and committed to safe custody.

Mr. Walpole ordered to carry up to the Lords the Articles against Lord Bolingbroke.] August 6. The engrossed Articles, against Henry viscount Bolingbroke, were read, after which it was ordered, 1. That Mr. R. Walpole do carry the said Articles to the Lords; 2. That he be directed, before he exhibits the said Articles to the Lords, to impeach Henry viscount Bolingbroke to this effect following, viz.

"My lords; The Commons assembled in parliament, having received information of divers traiterous practices and designs of a great peer of this House, Henry viscount Bolingbroke, have commanded me to impeach the said Henry viscount Bolingbroke of high treason, and other high crimes and misdemeanors, and I do here, in their names, and in the names of all the Commons of Great Britain, impeach Henry viscount Bolingbroke of high treason, and other high crimes and misdemeanors. I am further commanded, by the House of Commons, to pray and demand of your lordships that the said Henry viscount Bolingbroke may be sequestered from parliament, and forthwith committed to safe custody."

ARTICLES OF IMPEACHMENT AGAINST LORD BOLINGBROKE.] Accordingly the same day, Mr. Walpole, accompanied by a great many members of the House of Commons, at the bar of the House of Lords, impeached Henry viscount Bolingbroke as above. He further presented Articles of Impeachment of high treason, and other high crimes and misdemeanors, against the said Henry viscount Bolingbroke, in maintenance of the said charge. The said Articles were read, as follows:

"ARTICLES of IMPEACHMENT of High Treason and other High Crimes and Misdemeanors, against HENRY Viscount BOLINGBROKE.

"Whereas a treaty of alliance was made and concluded, on or about the 7th day of September 1701, between Leopold then emperor of Germany, his late majesty king William the third of ever-glorious memory, and their high mightinesses the States General of the United Provinces, for repelling the greatness of the common danger which threatened all Europe, from the duke of Anjou's having taken possession of the monarchy of Spain; wherein it was, among other things, agreed, 'That, in case the said 'confederates shall be forced to enter into a 'war, they shall communicate their designs to 'one another, as well in relation to the actions 'of the war, as all other things wherein the 'common cause is concerned: and that it shall 'not be permitted to either party, when the 'war is once begun, to treat of peace with the 'enemy, unless jointly and by a communication 'of counsels.' And, in and by a defensive treaty and alliance, made and concluded in or about the month of November 1701 between his said late majesty king William the third and the States General, it was, among other things, expressly agreed, 'That when the war is be-'gun, the said confederates shall act in concert 'according to the 7th and 8th articles of the 'treaty of the 3d of March 1677-8, between 'England and Holland; and that no peace nor 'truce or suspension of arms shall be negotiated 'or made, but according to the 9th and 10th 'articles of that treaty; by which it was 'agreed, that when the allies came once to 'open war, it shall be lawful for neither of 'them afterwards to come to any cessation of 'arms with him who shall be declared and pro-'claimed an enemy, without it being done 'conjointly and with common consent; and 'that no negotiation of peace shall be set on 'foot by one of the allies without the concur-'rence of the other: and that each ally shall 'continually, and from time to time, impart to 'the other every thing that passes in the said 'negotiation:' And, in and by a treaty entered into and concluded in or about the month of June 1703, between her late majesty queen Anne, of ever-blessed memory, and the States General, it was, among other things, agreed, 'that all treaties and alliances then subsisting 'between them should be renewed and con-'firmed:' And whereas a long, bloody, and expensive war had been carried on, by her late majesty, in conjunction with her said allies and other confederate princes, against France and Spain, as well in resentment of the indignity offered to these kingdoms, by their having acknowledged the Pretender king of these realms, as for obtaining a just satisfaction to his imperial majesty, and for the preservation of the protestant religion, and the balance and liberties of Europe; and from the great successes with which it had pleased Almighty God to bless the confederate arms, they had just reason to hope for an honourable, good, safe, and lasting peace; and although the French king was encouraged, in or about the month of April 1711, to make propositions of peace to her late majesty, signed by M. de Torcy, his Secretary of State, which her said majesty having pleased to communicate to the ministers of the States General; She did however graciously declare, by Henry viscount Bolingbroke, then Henry St. John esquire and one of her prin-

cipal Secretaries of State, her sentiments to them, 'that the said propositions were too ge-'neral;' and, at the same time, the said viscount did, in her majesty's name, and by her special command, give them per utmost and most solemn assurances, 'That in making 'peace, as in making war, she would act in 'perfect concert with them,' in which sentiments the States concurring with her majesty's reciprocal assurances of mutual confidence, so necessary to prevent the designs of the enemy, was returned by them to her majesty; notwithstanding which,

ARTICLE I.

"He the said Henry viscount Bolingbroke, then being one of her majesty's principal Secretaries of State, and of her most honourable privy council; but having entered into a most treacherous confederacy with the ministers and emissaries of France, to frustrate the just hopes and expectations of her majesty and her people, by disuniting the confederacy at the most critical juncture, when they were ready to reap the fruits of so many triumphs over the common enemy; and most wickedly intending, as far as in him lay, to enable the French king, an exhausted and vanquished as he had been on all occasions, to carry his designs, by a peace glorious to him, and to the ruin of the victorious allies, and the destruction of the liberties of all Europe; and having no regard to the solemn treaties her majesty then stood engaged in, nor to the honour or safety of these kingdoms; did, in or about the month of July or August in the year of our Lord 1711, maliciously and wickedly, form a most treacherous and pernicious contrivance and confederacy, with other evil-disposed persons, then also of her majesty's privy council, to set on foot a private, separate, dishonourable, and destructive negotiation of peace between Great Britain and France, without my communication thereof to her majesty's allies, according to their said several treaties; and was not only wanting in his duty and trust to her majesty, by not opposing, and, as far as was in his power, by not advising her majesty against going into any private separate negotiation with France, but, in execution of his purposes aforesaid, he the said Henry viscount Bolingbroke did advise her late majesty to send Matthew Prior, esquire, directly to the court of France, to make propositions of peace, without communicating the same to her majesty's allies; and accordingly the said Matthew Prior, by the advice and with the privity of him the said Henry viscount Bolingbroke and other false and evil counsellors, in or about the months of July or August in the year of our Lord 1711, was sent in a clandestine manner from England to France, and did communicate the said propositions of peace to the ministers of France; in which the particular interests of Great Britain, as well as the common interest of Europe, were shamefully betrayed; and, in manifestation of his said design to exclude her majesty's allies from their just share in the said negotiation, an express article was inserted in the said propositions, by the privity and advice of him the said Henry viscount Bolingbroke, 'that the 'secret should be inviolably kept, till allowed 'to be divulged by the mutual consent of both 'parties;' although the French king had, in the propositions signed by M. de Torcy, and transmitted in the month of April preceding, offered to treat with the plenipotentiaries of England and Holland alone, or jointly with those of the allies, at the choice of England; by which treacherous and dangerous advice, he the said Henry viscount Bolingbroke did not only contrive and set on foot a negotiation of peace, more advantageous to France than ever France itself had asked; but thereby did put it into the power of the common enemy, to create incurable jealousies and discords between her majesty and her faithful allies, and to destroy that confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common safety.

ARTICLE II.

"That the French king having, in or about the months of August or September 1711, with the privity, and by the contrivance, of the said viscount Bolingbroke and others, sent over M. Mesnager into England, to carry on a separate and clandestine negociation of peace; he the said Henry viscount Bolingbroke did afterwards, in the said month of September 1711, or thereabouts, secretly and unlawfully, and without any colour of authority, meet, confer, and treat with, the said Sieur Mesnager, on the negociations of peace between Great Britain and France; and therein did advise and promote the making a private and separate treaty or convention on the said subject of peace between the said crowns, without any communication thereof to her majesty's allies; and the said Henry viscount Bolingbroke did afterwards in violation of his oath and high trust, falsely and treacherously advise her late majesty to sign powers to several persons, for concluding, on her behalf, a pernicious and destructive treaty, or convention, on the said subject of peace with France; and, on or about the said 27th of September 1711, a dishonourable, destructive, and fatal treaty or convention was concluded and signed, by the said Sieur Mesnager on the part of France, and by the earl of Dartmouth and the said viscount, being then two of her majesty's principal secretaries of state, and of her privy council, on the part of her majesty, by virtue only of a warrant under her majesty's sign manual under the signet, directed to themselves, but not countersigned, and without the least knowledge or participation of the allies; in which treaty, the immediate interests of Great Britain are given up to France; and, the duke of Anjou being therein admitted to remain king of Spain, the balance of power and the liberties of Europe were thrown into the hands of the house of Bourbon.

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ARTICLE III.

"That whereas her late majesty queen Anne did, on or about the first of October 1711, O. S. give instructions to Thomas earl of Strafford her ambassador to the States General of the United Provinces, to communicate to them certain propositions of peace, which had been contrived and concerted between the said Sieur Mesnager and the said viscount and others, intituled, "Preliminary Articles on the part of France, to come to a general peace, together with her majesty's sentiments and resolutions thereupon; and also her majesty's farther and particular resolutions concerning the prosecution and carrying on the war against France and Spain, in case the States were desirous to carry on the said war:" And whereas, for several years before, and till the said month of October 1711, there was open war between her late majesty and the French king; and, the said war continuing, for all the said time and afterwards, the French king and his subjects were enemies to her late majesty; he the said Henry viscount Bolingbroke, being then one of her majesty's principal secretaries of state and one of her majesty's privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love, and true and due obedience, which every true and faithful subject owned to her said majesty, and designing to give aid and succour and to adhere to the said French king against her said majesty; did, on or about the 2d of October 1711, during the said war, falsely, wickedly, maliciously, and traitorously, aid, help assist, and adhere to, the said French king, and his subjects, enemies to her said late majesty, against her said late majesty; and, in execution and performance of his said aiding, assisting, and adhering, he did, on or about the 2d of October 1711, falsely, maliciously, and traiterously, disclose and communicate her majesty's said instructions to her said ambassador; and was privy to, and did advise, consent, or approve, that the same should be, and accordingly the same were, communicated and disclosed to the said Sieur Mesnager, a subject of the said French king, and an enemy to her late majesty: and, in further execution and performance of his said aiding, assisting, and adhering, he the said Henry viscount Bolingbroke did, in and by a letter, or writing, by him, wrote to M. de Torcy, on or about the said 2d day of October 1711, disclose, communicate, and notify, or did intend to notify, to M. de Torcy, a subject, minister, and secretary to the French king, and an enemy to her late majesty, "That the said Sieur Mesnager was fully informed of her majesty's said instructions to the earl of Strafford;" thereby falsely, maliciously, and traiterously, informing and advising the said M. de Torcy, from what person, and by what means, he might come to the knowledge of her majesty's said instructions, contrary to the duty of his allegiance and the laws and statutes of this realm.

ARTICLE IV.

"That whereas her late majesty Queen Anne did, in or about the month of December 1711, in due form of law, under her great seal, constitute the right reverend John lord bishop of Bristol and Thomas earl of Strafford her plenipotentiaries, with full powers and instructions, to meet, treat, and conclude, with the plenipotentiaries of her allies, and those whom the French king should on his part depute for that purpose, the conditions of a good and general peace; and whereas his imperial majesty, their high mightinesses the States General of the United Provinces, and other her majesty's allies, and the French king, having duly constituted and appointed their several and respective plenipotentiaries for the purposes aforesaid, the negociations and conferences for a general peace were opened between them, at Utrecht, about the months of January or February 1711, and the same continued till the 4th of March 1711, and afterwards. and whereas, on the said 4th day of March 1711, there was open war between her late majesty and the French king, and the same having continued for several years before, and at the same time and afterwards: the said French king and his subjects were during all the said time enemies to her said majesty and her subjects; he the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state, and of her privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having withdrawn his duty and obedience from her said majesty, and conspiring and confederating with the enemies of her said majesty, and the subjects of the said French king, to give him aid and succour against her said majesty, did, on or about the said 4th day of March 1711, falsely, wickedly, and traiterously, aid, comfort, assist, and adhere to, the said French king, against her said majesty, and in execution and performance of his said aiding, assisting, and adhering, he the said viscount did, on or about the said 4th of March 1711, falsely, maliciously, and traiterously, communicate and disclose her said majesty's then final instructions to her said plenipotentiaries, relating to the said negociations of peace; or was privy to, and did advise and consent and approve that the same should be, and accordingly the same were, communicated and disclosed to Abbot Gaultier, an agent and emissary of the said French king, and an enemy of her said majesty; and, in further execution and performance of his said aiding, assisting, and adhering, he the said Henry viscount Bolingbroke did, by a letter, or writing, wrote by himself, on or about the said 4th of March, falsely, maliciously, and traiterously, disclose, communicate, and notify, or did intend thereby to communicate and notify, to M. de Torcy, a minister, secretary of state, and subject of the said French king, and an enemy of her said majesty, "That the said Gaultier was informed of her majesty's said instructions to her said plenipotentiaries;"

[illegible] knowledge of the Universe [illegible] in the Parliament

thereby falsely and traiterously informing and advising the said M. de Torcy by what means, and from what persons, he might have the knowledge of her majesty's said instructions, contrary to the duty of his allegiance, and the laws and statutes of this realm.

ARTICLE V.

"That whereas the States General of the United Provinces were, in or about the months of September or October in the year of our Lord 1712, in possession of the strong and important town and fortress of Tournay; and whereas the French king had, during the course of the said private, separate, and traiterous negotiation between him the said Henry viscount Bolingbroke and others, and the ministers of France, signified his consent to the ministers of Great Britain, that the said town and fortress of Tournay should remain to the said States General as part of their barrier: and whereas her majesty, in her instructions of December the 23d 1711, to her plenipotentiaries at Utrecht, had expressly directed them to insist with the plenipotentiaries of France, in the general congress, "That, towards forming a sufficient barrier for the States General, Tournay should remain to their High Mightinesses;" and did afterwards declare herself conformably thereto, in a speech to both Houses of Parliament, on the 6th of June 1712, in which she communicated to them the terms whereon a peace might be made, and whereas, for several years before and till the said months of September and October in the year of our Lord 1712, there was open war between her late majesty and the French king, and, the said war continuing, for all the said time and afterwards, the said French king and his subjects were enemies to her majesty; he the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state and of her privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love and true and due obedience which every true and faithful subject owed to her said majesty, and designing to give aid and succour and to adhere to the said French king, against her said majesty, did, in or about the months of September or October 1712, during the said war, falsely, maliciously, wickedly, and traiterously, aid, help, and assist, and adhere to, the said French king, then an enemy to her late majesty, against her said majesty: and, in execution and performance of the said aiding, assisting, and adhering, maliciously, falsely, and traiterously, did counsel and advise the said enemy, in what manner, and by what methods, the said important town and fortress of Tournay, then in possession of the States General, might be gained from them to the French king, contrary to the duty of his allegiance, and the laws and statutes of this realm.

ARTICLE VI.

"That whereas her late majesty queen Anne, not only in pursuance of the treaties she stood engaged in to her good allies, and in particular to his imperial majesty, for the recovery of the monarchy of Spain to the House of Austria, thereby to preserve a due balance of power in Europe: but also from her just resentments against the duke of Anjou, who, than styled himself king of Spain, and who, in defiance of her majesty's title to the crown, has acknowledged the Pretender as king of Great Britain, and, on these just foundations, her majesty had, in vindication of the honour of the crown, and injustice to her people, at a vast expence of blood and treasure, and on the earnest and repeated advices of her parliament, prosecuted a vigorous war against the said duke of Anjou; and whereas, in the years of our Lord 1710, 1711, and 1712, the said open, bloody, and expensive war was carried on, between her said late majesty queen Anne and the said duke of Anjou; and, during all the time aforesaid, the said war did continue, and for all that time the said duke of Anjou and the subjects of Spain adhering to him were enemies of her late majesty; he the said Henry viscount Bolingbroke, then being one of her majesty's principal secretaries of state and of her privy council, and a subject of her said majesty, not considering the duty of his allegiance, but having withdrawn his true obedience from her said late majesty, did at several times, in the years of our Lord 1710, 1711, and 1712, falsely, maliciously, wickedly, and traiterously, aid, help, and assist, and adhere to the said duke of Anjou, then an enemy to her said late majesty, against her said majesty, and in execution and performance of his said aiding, helping and assisting, and adhering, and in confederacy and combination with the then enemies of her late majesty, and with divers other wicked and evil-disposed persons, did, at several times, in the years aforesaid advise and counsel the enemies of her late majesty against her said majesty; and, in such counselling and advising, did concert with them, and did promote the yielding and giving up Spain and the West-Indies or some part thereof, to the said duke of Anjou then in enmity with her majesty, against the duty of his allegiance, and the laws and statutes of this realm.

"All which crimes and misdemeanors were committed and done by him the said Henry viscount Bolingbroke, against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him the said viscount; and he the said Henry viscount Bolingbroke was one of her majesty's principal secretaries of state, and one of her privy council, during the time that all and every the crimes before set forth were done and committed: for which matters and things, the knights, citizens, and burgesses of the House of Commons, in parliament assembled, do, in the name of themselves and of all the Commons of Great Britain, impeach the said Henry viscount Bolingbroke of high treason, and other high crimes and misdemeanors, in the said Articles contained.

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"And the said Commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusations or impeachments against the said Henry viscount Bolingbroke, and also of replying to the answers which the said Henry viscount Bolingbroke shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited, according to the course and proceedings of parliament; do pray, that the said Henry viscount Bolingbroke be put to answer all and every the premises; and that such proceedings, examinations, trials, and judgments, may be upon them, and every of them, had and used, as shall be agreeable to law and justice: and they do further pray and demand, that the said Henry viscount Bolingbroke may be sequestered from parliament, and forthwith committed to safe custody."

Lord Bolingbroke being fled, is attainted of High Treason.] The same day the Lords sent a message to acquaint the Commons, that their lordships had ordered Henry viscount Bolingbroke to be forthwith attached, by the gentleman usher of the black-rod, attending the House of Lords, and brought to their lordships bar, to answer the Articles exhibited against him by the House of Commons: but the lord Bolingbroke had long before retired into France. Hereupon the Commons ordered a bill to be brought in to summon Henry viscount Bolingbroke to render himself to justice by a day therein to be limited, or, in default thereof, to attaint him of high treason.

ARTICLES OF IMPEACHMENT AGAINST THE DUKE OF ORMOND.] Aug. 8. The engrossed Articles of Impeachment against the duke of Ormond being read, Mr. Secretary Stanhope attended the bar of the House of Lords, where he addressed their lordships as follows:

"My Lords;—The Commons in Parliament assembled, having received information of divers traiterous practices and designs of a great peer of this House, James duke of Ormond, have commanded me to impeach the said James duke of Ormond of high treason, and other high crimes and misdemeanors: and I do here, in their names, and in the names of all the Commons of Great Britain, impeach the said James duke of Ormond of high treason, and other high crimes and misdemeanors.—And I am further commanded by the House of Commons, to pray and demand of your lordships, that the said James duke of Ormond may be sequestered from Parliament, and forthwith committed to safe custody."

He further presented Articles of Impeachment of high treason, and other high crimes and misdemeanors, against the said James duke of Ormond, in maintenance of the said charge. The said Articles were read, as follows:

ARTICLES OF IMPEACHMENT of High Treason, and of other High Crimes and Misdemeanors, against JAMES Duke of ORMOND.

ARTICLE I.

"That whereas James duke of Ormond, in or about the month of April 1712, being appointed general of the forces in the Netherlands of her late majesty queen Anne, with orders to prosecute the war against France with all possible vigour, in conjunction with her said majesty's allies, and having, by her said majesty's directions, and in her name, given her said allies the most solemn assurances to that purpose, was thereupon admitted into the councils, and made privy to the most secret designs, of the generals of the confederate army against the common enemy, and of the measures they thought the most proper to carry on the war with success: and whereas, in the said year 1712, the said war was carried on between her said late majesty queen Anne and the said French king; and during all the said war did continue, and for all that time the said French king and his subjects were enemies of her late majesty, he the said James duke of Ormond, then general of her majesty's army, and a subject of her majesty, not considering the duty of his allegiance, but having withdrawn his true and due obedience from her said late majesty, and affection from his country, did, during the said war, falsely, maliciously, wickedly, and traiterously, aid, help, assist and adhere to, the said French king, against her said late majesty; and, in execution of his said aiding, helping, assisting, and adhering, maliciously, falsely, and traiterously, contrary to the duty of his allegiance and the laws and statutes of this realm, did, on or about the 26th day of May 1712, send private intelligence and information to marshal Villars, then an enemy to her said late majesty, and general of the French king's army against her majesty and her allies, of a march the army of her said majesty and of her allies was then going to make, and of the design of the said army in making that march.

ARTICLE II.

"That whereas, in or about the month of May 1712, a traiterous design was carried on between Henry St. John esquire, then one of her said late majesty's principal secretaries of state, and other evil-disposed persons, and the ministers of France, to defeat the just expectation of the great advantages over the common enemy her majesty and the nation had then reason to hope for, from the great superiority of the confederate forces in the Netherlands; to obtain which, very large sums of money had been cheerfully contributed by parliament: and, to that end the said Henry St. John had given secret assurances to the French ministers, 'That her majesty's general in the 'Netherlands, though under the most solemn 'engagements to act vigorously in concert

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'with the allies, should not act against France;' and had also engaged the said duke of Ormond to concur in the said wicked purpose; which evil practices of the said Henry St John and others, when they were first suspected, giving the greatest alarm to the ministers of the allies, the parliament, and to the whole kingdom, and being thereupon openly disavowed and denied by all the conspirators in the most public manner; he the said James duke of Ormond, in order to disguise and conceal from her said late majesty and the whole kingdom the said traiterous designs, then carrying on by the said Henry St. John and other false traitors to her majesty and their country, in aid and comfort of the French king, then in open war with, and an enemy of her said majesty, did, by his letter of the 25th of May 1712, to the said Henry St John, then her majesty's principal secretary of state, called his public letter, because prepared and intended to be read before her said majesty and her council, wickedly, falsely and treacherously, abuse and impose upon her said late majesty and her council, by affirming and declaring therein, 'That, if he found an opportunity to 'bring the enemy to a battle, he should not 'decline it,' although, by a private letter writ by the said James duke of Ormond, of the same date, and to the said Henry St. John, designed to be read by the said Henry St. John and the said conspirators only, he the said James duke of Ormond, did on the contrary, wickedly promise and engage, 'That he would 'not attack or molest the French army, or an-'gage in any siege against France.'

ARTICLE III.

"That he the said James duke of Ormond, in or about the month of June 1712, being at that time general of her majesty's forces against France, and a subject of her said majesty, not considering the duty of his allegiance, but having altogether withdrawn the cordial love and due obedience which every faithful subject owed to her said majesty, and devoting himself to the service of France, and designing to give aid and comfort to the French king and his subjects, than in open war with, and enemies to her said late majesty, in violation of the many treaties of alliance between Great Britain and several other princes and states, for carrying on the war against France, and of the said late queen's instructions to him, on or about the 7th of April 1712, under the sign manual; in pursuance thereof, and of the solemn declarations he had but lately before, by her said majesty's command, and in her name, made to the pensionary of Holland and the generals of the confederate army, to push on the war with all possible vigour; and also in open and manifest violation of the last orders sent to him in a letter from the said Henry St. John, on or about the 7th of June 1713, whereby he the said James duke of Ormond was directed, 'To make 'no cessation of arms with the French, unless 'the articles demanded by her majesty, and ex-'pressly mentioned and set down in the said 'letter, as the conditions for the said cessation, 'should be complied with by France;' and whereby he the said James duke of Ormond was likewise further expressly directed and told, 'That in case the conditions therein mentioned 'were not complied with by France, that then 'he was entirely free from restraint, and at li-'berty to take all reasonable measures in his 'power for annoying the enemy, and at full li-'berty of acting against France;' did, on or about the 25th of June aforesaid, falsely, maliciously, wickedly, and traiterously, aid, help, assist, and adhere to the French king, against her said late majesty, and then in open war with her majesty; and, in execution of his said aiding, helping, assisting, and adhering, and in pursuance of a wicked promise he had secretly made the same day to marshal Villars, general of the French army, to that purpose, maliciously, falsely, and traiterously, contrary to the duty of his allegiance and the laws and statutes of this realm, did advise, and endeavour to persuade, the generals of the confederate army against France, and the deputies of the States General, to raise the siege of Quesnoy, a French town then besieged by them; and did then further, traiterously and wickedly, refuse to act any longer against France; and then also, traiterously and wickedly, told the said generals of the said confederate forces, and the said States deputies, 'That he could no 'longer cover the siege of Quesnoy; but was 'obliged, by his instructions, to march off with 'the queen's troops, and those in her majesty's 'pay;' Whereas in truth, and the Commons expressly charge, That he the said James duke of Ormond did traiterously and wickedly make the said declaration, and refused to act against France, in manifest contradiction not only to his said original orders, but also of the said letter to him of the 7th of June from the said Henry St. John; since none of the articles demanded by her majesty for a cessation of arms, and expressed in the said letter to be the conditions without which no cessation of arms was to be made, had been complied with by France And, in further execution of his said traiterous designs, he the said James duke of Ormond, by a letter to the said marshal Villars on the 25th of June aforesaid, did traiterously and wickedly send intelligence to the said marshal Villars of the beforementioned passages between him the said James duke of Ormond, and the generals of the confederate army and the States Deputies, and how his propositions were received by them; and also of the disposition he observed in the foreign troops to adhere to the said confederates, in case of a separation by the troops of Great Britain.

ARTICLE IV.

"That he the said James duke of Ormond did not only wickedly and falsely affirm to the generals of the confederate army and the States deputies, 'That his said refusal to act any 'longer against France, and to cover the siege 'of Quesnoy, was in pursuance of instructions

'he had received for that purpose;' but also, to induce the said generals of the confederate army and the States deputies to comply with his proposal to them to abandon the siege: he the said James duke of Ormond did wickedly represent their compliance therein as the most effectual way to induce her said late majesty to take care of the said confederates interest at the peace; whereby he the said James duke of Ormond did, in effect, threaten her said majesty's good friends and allies, 'That, 'unless they would dishonourably abandon an 'enterprise undertaken by common consent, 'and thereby save a strong fortress and a numerous garrison of the enemy, they were not 'to expect that her majesty would take care of 'their interests at the general peace.'

ARTICLE V.

"That he the said James duke of Ormond having received a letter, dated on or about the 14th of July 1712, from the said marshal Villars the French general, desiring 'To be informed what troops remained in the confederate army, or what troops and generals marched 'off from them with him the said duke: and 'declaring, at the same time, that the reason of 'that inquiry was in order to fall upon and attack the said confederate army,' he the said James duke of Ormond, on or about the 16th day of July 1712, did, traiterously, and wickedly, contrary to the duty of a true and faithful subject, and contrary to his allegiance and the laws and statutes of this realm, aid, help, assist, and adhere to, the said French king and his subjects, against her said late majesty, and then in open war with, and enemies to, her said late majesty; and, in execution of his said aiding, helping, assisting, and adhering, he the said James duke of Ormond on or about the said 16th day of July 1712, did traiterously send secret intelligence to the said marshal Villars, the general of the French army, of the number of the troops that had left the said confederate army, and also of the march the said confederate army had that morning made.

ARTICLE VI.

"And whereas he the said James duke of Ormond had received advice that the States General, in or about the month of October 1712, had formed a design to surprise and take the towns of Newport and Furnes, or one of them, then in the possession of the French king: that he the said James duke of Ormond, intending to strengthen the hands of the common enemy, by defeating the said enterprise, did, on or about the 21st day of October 1712, in a letter to the said Henry St. John, then viscount Bolingbroke, wickedly and basely suggest to and advise her said late majesty to send secret intelligence of, and to betray, the said counsels and designs of her good and faithful allies the States General, to the French king, then in the war with, and an enemy to, her majesty; and did further wickedly and shamefully suggest the means of putting the said treachery in execution by giving private intelligence of the design to the said marshal Villars. All which crimes and misdemeanors were committed and done by him the said James duke of Ormond, against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom and in breach of the several trusts reposed in him the said duke; and by the said James duke of Ormond was general of her majesty's forces in the Netherlands, and one of her privy council, during the time that all and every the crimes before set forth were done and committed. for which matters and things, the knights, citizens, and burgesses of the House of Commons, in parliament assembled, do, in the name of themselves and of all the Commons of Great Britain, impeach the said James duke of Ormond of high treason, and other high crimes and misdemeanors, in the said Articles contained.

"And the said Commons, by protestation saving to themselves the liberty of exhibiting, at any time hereafter, any other accusations or impeachments against the said James duke of Ormond, and of replying to the answers which the said James duke of Ormond shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited, according to the course and proceedings of parliament; do pray, that the said James duke of Ormond be put to answer all and every the premises; and that such proceedings, examinations, trials, and judgments, may be upon them, and every of them, had and used, as shall be agreeable to law and justice. And they do further pray and demand, that the said James duke of Ormond may be sequestered from parliament, and forthwith committed to safe custody."

The Duke of Ormond being gone off is also attainted.] But the duke of Ormond on the 21st of July before, embarking privately on board a vessel on the Kentish coast, landed in three days in France. upon which the Commons, August the 10th, ordered a Bill to be brought in to summon and attaint him in like manner as the lord viscount Bolingbroke.

The Dutchess of Ormond's Petition to enlarge the Duke's time for appearance] Aug. 16. A Petition of the most noble Mary dutchess of Ormond, wife of his grace James duke of Ormond, was presented to the House of Lords, and read; setting forth, "That, her husband the said duke being beyond sea, the uncertainty of finding him out, and the difficulty of giving him notice of the bill depending in this House, to attaint him of High-Treason unless he renders himself by the tenth of September next, is so great, that it will be almost impossible for him so to do, in so short a time;" and praying "In regard, the estate, the life, the honour, of a peer of Great Britain, and the welfare of so noble and ancient a family, is at stake: that this House will give him a larger time for rendering himself, that he may have an opportunity to convince their lordships and

the world of his innocence, as to the crimes whereof he is impeached."

And the statute of 17 Car. 2, for attainting Thomas Boleman, Joseph Rumpfield, and Thomas Scot, of high-treason, if they render not themselves by a day, being read, and debate touching the said Duchess's request; Ordered, That the said petition do lie on the table. Ordered, That, for the safety of his majesty's person and government, this House will proceed further this day upon the above mentioned bill. That the House be now put into a committee of the whole House upon the said bill.

Protests against the Bills of Attainder against Lord Bolingbroke and the Duke of Ormond.] Aug. 18. The Bill intituled "An act for the attainder of Henry viscount Bolingbroke, of High-Treason, unless he shall render himself to justice by a day certain therein mentioned," was read a third time.

The question was put, whether this bill shall pass? It was resolved in the affirmative.

"Dissentient,

"1st, Because we cannot give our consent to the affirming, that the lord to be attainted by this bill is fled from justice, being known to have left England before he was impeached in parliament; nor does it appear to us, that the lord so impeached has had any summons to return, or legal notice, by proclamation or otherwise, of the charge brought up against him.

"2dly, Because no particular proofs have been laid before the House of any high treason, or other high crimes or misdemeanors with which he stands charged: nor has any evidence been given to this House of his adhering to the king's enemies; nor being concerned in any traiterous design since he left England.

"3dly, Because the time prescribed for his return is much shorter than what has been allowed to persons in like circumstances of supposed guilt, though of far meaner condition and character; nor do we know or believe, that there is any instance of any person whatsoever, who was out of the kingdom at the time of his being impeached in parliament, who has not had a longer day assigned for his return, before he was to stand and be adjudged, attainted, or actually incur any other high pains and penalties inflicted by act of parliament.

"And we think such allowance of a longer day, in the case of attainders by parliament, to be much more reasonable, as it is agreeable, not only to parliamentary usage, but to the methods of common law, in all cases of outlawry, whereby more months are allowed to the most notorious traitor (known to be fled from justice) for his coming in, before his outlawry can be recorded, than this act allows weeks, to the lord impeached, for his returning before his attainder takes place.—Fra. Cestrens', Compton; Stafford; Ashburnham; Lansdowne; Scarsdale; Foley; Abingdon; Weston; Clarendon; Willoughby de Broke; Jersey; Bathurst; Masham; Fr. Roffen'."

Then the bill intituled, "An act for the attainder of James duke of Ormond, of High-Treason, unless he shall render himself to justice, by a day certain therein mentioned," was read a third time, the question was put, whether this bill shall pass? Contents 59, Not Contents 28. It was resolved in the affirmative.

"Dissentient,

"For the reasons given against the bill intituled, An act for the attainder of Henry viscount Bolingbroke, of High-Treason, unless he shall render himself to justice, by a day certain therein mentioned.—Scarsdale: Geo. Bath and Wells; Fra. Cestrens'; Bathurst; Masham; Compton; Foley; Stafford; Lansdowne; Ashburnham, Willoughby de Broke; Fr. Roffen'; Abingdon, Weston, Clarendon."

Articles of Impeachment against the Earldf Strafford.] August 31. Mr R. Walpole from the Committee of Secrecy, acquainted the House, That the Committee had, in obedience to the commands of the House, prepared Article of Impeachment of high crimes and misdemeanors against Thomas earl of Strafford; and he read the same in his place and afterwards delivered them in at the clerk's table; where they were read. Then it was ordered, That the said Articles he read a second time, article by article. And the same were read accordingly; And the said Articles were, upon the question severally put thereupon, agreed unto by the House, and were ordered to be engrossed; and that a clause be prepared, saving liberty to the Commons, to exhibit any further Articles against the said Thomas earl of Strafford, and that he may be put to answer the said crimes and misdemeanours.

September 1. The said clause was offered to the House, read, agreed to, and ordered to be engrossed with the Articles of Impeachment; which being done accordingly, the said engrossed Articles were read, and it was ordered, That Mr. Aislaby do carry the said Articles to the Lords; which he did accordingly. The said Articles are as follow:

ARTICLES of IMPEACHMENT, of High Crimes and Misdemeanors, against THOMAS Earl of STRAFFORD.

"Whereas his late majesty king William the Third, of ever glorious memory, out of his great wisdom and tender regard for his own kingdoms and the Protestant succession, and to vindicate the honour of the crown and nation, then affronted by France, in proclaiming the Pretender king of Great Britain, after the French king had but lately before acknowledged his majesty's title to the same, as well as from a just concern for the preservation of the liberties of Europe, against the growing power of France, which was then become more formidable from the duke of Anjou's having taken possession of the entire Spanish monarchy, did, upon the advice and request of both Houses of Parliament, in or about the month

of September 1701, enter into, make, and conclude, a treaty with Leopold emperor of Germany and the States General of the United Provinces; wherein a strict conjunction and alliance amongst themselves being thought necessary for repelling the greatness of the common danger, it was, amongst other things, agreed, "That there should be and continue, between the said confederates, a constant, perpetual, and inviolable friendship and correspondence; and that each party should be obliged to promote the advantages of the other, and prevent all inconveniences and dangers that might happen to them, as far as lay in their power. That the said allies, desiring nothing more earnestly than the peace and general quiet of all Europe, had adjudged, that nothing could be more effectual for the establishment thereof, than the procuring an equitable and reasonable satisfaction to his imperial majesty for his pretensions to the Spanish succession; and that the king of Great Britain and the States General might obtain a particular and sufficient security for their kingdoms, provinces, and dominions, and for the navigation and commerce of their subjects: That it should not be permitted to either party, when the war is once begun, to treat of peace with the enemy, unless jointly and by a communication of councils; and no peace should be made, unless an equitable and reasonable satisfaction for his imperial majesty, and a particular security for the kingdoms, provinces, dominions, navigation, and commerce, of his majesty of Great Britain and the States General, be first obtained; and unless care be taken, by fitting security, that the kingdoms of France and Spain shall never come and be united under the same government, nor that one and the same person shall be king of both kingdoms. And whereas his said late majesty king William and the States General, seriously considering that France was then become so formidable, from the accession of Spain to the duke of Anjou, that, in the opinion of all the world, Europe was in danger of losing her liberty, and undergoing the heavy yoke of universal monarchy; and that the surest means of effecting that design were, to divide the king of Great Britain from the States General, for which purpose all imaginable efforts would be made; they therefore thought it necessary to unite in the strictest manner that was possible; and, to that end, a defensive treaty and alliance was concluded and entered into between them, in or about November 1701, wherein amongst other things, it was further agreed, 'That by 'the alliance with the emperor, made in September then last, particular care being taken 'for the recovery of the Spanish Low Countries out of the hands of the most Christian 'king, the said confederates expressly engaged 'to aid one another with all their forces for 'the recovery of the same; and in regard the 'principal interest of the said confederates 'consisted in the preservation of the liberties 'of Europe, that the before-mentioned treaty 'with the emperor shall be faithfully and sincerely executed, and both sides shall guarantee the same, and use their endeavours, to confirm and render it more strong from time to time: That, in making peace, particular care 'shall be taken of the commerce and traffic, 'of both nations, and also for their security 'as well in regard to the Low Countries as 'to the countries adjacent: That, when the 'war is begun, the confederates shall act in concert, according to the seventh and eighth articles of the treaty of the 3rd of March 1667-8, between England and Holland, which 'was thereby renewed and confirmed; and 'no peace nor truce, or suspension of arms, 'shall be negociated or made, but according to 'the ninth and tenth articles of that treaty; 'by which it was agreed, that, when the two 'allies came once to an open war, it shall be 'lawful for neither of them afterwards to come 'to any cessation of arms with him who shall 'be declared and proclaimed an enemy, without it be done conjunctly and with common 'consent; that no negotiation of peace shall 'be set on foot by one of the allies, without the concurrence of the other; that each ally 'shall continually, and from time to time, impart to the other every thing that shall pass in 'the said negotiation; and shall stipulate with 'the common enemy for the same rights, immunities, exemptions, and prerogatives, for his 'ally, as he should do for himself, if so be said 'allies do not agree to the contrary.' And whereas the French king, having got possession of a great part of the Spanish dominions, exercised an absolute authority over that monarchy, having seized Milan and the Spanish Low Countries by his armies, and made himself master of Cadiz and of the entrance into the Mediterranean, and of the ports of the Spanish West Indies, by his fleets, every where designing to invade the liberties of Europe, and to obstruct the freedom of navigation and commerce; and, instead of giving the satisfaction that was justly expected, had proceeded to further violences and indignities; and, having influenced Spain to acknowledge the Pretender, and thereby to concur with him in the said affront; her late sacred majesty queen Anne, taking notice, 'that she found herself obliged, for maintaining 'the public faith, for vindicating the honour of 'the crown, and to prevent the mischiefs which 'all Europe were threatened with, to declare 'war against France and Spain,' did accordingly, in the month of May 1702, in the most public and solemn manner proclaim the same; as his imperial majesty and the States General did likewise do, in or about the said month of May, in pursuance of the before-mentioned treaties. And whereas many kings, princes, and states of Europe, being invited by the said grand alliance, and relying on the faith thereof, did afterwards become parties to the said confederate war against France and Spain; and, in the treaty entered into in or about the month of May 1703, between his imperial majesty, the queen of Great Britain, the States General, and

the king of Portugal, it was, amongst other things, expressly stipulated, 'That no peace or 'truce shall be made, but by the mutual con- 'sent of all the confederates; nor shall any at 'any time be made, whilst the second grand- 'son of the most Christian king, by the dauphin 'or any other prince of the line of France, con- 'tinued in Spain.' And whereas, to give the greatest strength that was possible to the Union so necessary to both nations, her late majesty and the States, by a treaty in the month of June 1703, renewed and confirmed all treaties and alliances then subsisting between them; and, to the end a just and reasonable peace might the better be obtained, that might esta- blish the repose and tranquility of Europe, it was agreed, that neither of the said allies should make a suspension of arms or a peace with France or Spain, but in conjunction and by common consent. And whereas the said war was for several years carried on with vigour and unanimity, at a vast expence of blood and treasure: for the support of which, on the part of Great Britain, many millions were granted by parliament, who, on many occasions, ex- pressed their sense of the justice of it, and fre- quently gave their humble advice to the throne, 'That no peace could be safe, honourable, or 'lasting, so long as Spain and the West Indies 'continued in any branch of the house of Bour- 'bon." And whereas the just cause of her majesty and her allies, in defence of the com- mon liberty, and in vindication of the honour of the crown of Great Britain, was favoured by the Divine Providence with unparalleled success and signal victories, whereby, as well as by the wisdom and unanimity of their councils, the reputation of the confederate arms was highly advanced, and Great Britain was esteemed the guardian of the liberties of Europe. And whereas, from the prosperous condition of the affairs of the allies, nothing remained, in all human appearance, but that they should reap the fruits of all their victories, in a speedy, just, honourable, and lasting peace; and on the other hand nothing was left to raise the hopes of the enemy, whereby to defeat that happy prospect, but his secret endeavours to disunite the confederacy. And whereas divers evil- minded persons, enemies to the true interests of their own country as well as to the common liberties and welfare of Europe, having, by many wicked arts and base insinuations, ob- tained access to her late majesty queen Anne, and being admitted into her councils and into places of the highest trust, and having formed a wicked and treacherous correspondence with the emissaries of France, and set on foot a pri- vate and destructive negotiation of peace, there- by intending to weaken and dissolve the con- federacy, which had so long and happily sub- sisted, between her majesty and her good and faithful allies, to the honour and safety of the nation; had prevailed upon her said late ma- jesty, for that purpose, to declare her resolu- tion of entering into a treaty of peace with the common enemy, against the consent and opi- nion of all her majesty's allies; and also to ap- point John then lord bishop of Bristol and Thomas earl of Strafford her plenipotentiaries, to transact the same at Utrecht. And whereas her sacred majesty, in pursuance of the treaties she stood engaged in, and of her declaration in the month of April 1711 to the Grand Pen- sionary and the other ministers of Holland, being still determined, in making peace as in making war, to act in perfect concert with her allies, and, in conjunction with them, to de- mand and procure from France a just satisfac- tion for all their pretensions, according to, and in performance of, the many solemn treaties and alliances then subsisting between her ma- jesty and them, did, in pursuance thereof, by her instructions under the sign manual, dated the 21st of October 1711, to him the said Thomas earl of Strafford, her ambassador ex- traordinary and plenipotentiary to the States General, direct him, "That, during the course of the then intended negotiation of peace, it must be the most careful endeavour and the fixed principle of all the confederates, to hold fast together, in order to obtain from the enemy the utmost which could be hoped for in the present circumstances of affairs; and that he might assure the confederates, that her majesty on her part would firmly adhere to that rule; and that she was so far from making peace without the concurrence of the States General, that she had declared her firm resolution, not to make it without their satisfaction;" And also, by her instructions under the sign manual to the said then bishop of Bristol and him the said Thomas earl of Strafford, her plenipoten- tiaries, to treat of a good and general peace, her said majesty, amongst other things, did di- rect them, 'Upon their arrival at Utrecht, to 'concert with the ministers of the allies, in 'what manner it might be most proper to open 'the conferences, and what method to observe 'in the progress of the treaty; upon that and 'all other occasions, earnestly to represent to 'those ministers the great importance of ap- 'pearing united; and, for that reason, to re- 'commend to them, that, if any difference or 'dispute should arise, the same should be ac- 'commodated amongst themselves, that France 'might have no hold to break in upon them; 'but, on the contrary, whenever they meet the 'enemies' ministers in the Congress, every opi- 'nion that is delivered, and every instance that 'is made, may be backed by the concurrent 'force of the whole confederacy: That, if it 'should be thought proper to begin by the dis- 'position of the Spanish monarchy, they were 'to insist, that the security and reasonable sa- 'tisfaction, which the allies expected, and 'which his most Christian majesty had pro- 'mised, could not be obtained, if Spain and the 'West Indies be allotted to any branch of the 'house of Bourbon.' Notwithstanding all which premises;

ARTICLE I.

"He, the said Thomas earl of Strafford, being

of her majesty's privy council, and her ambassador extraordinary to the States General, and appointed one of her plenipotentiaries to treat with the ministers of France, of a good and general peace, in concert with the ministers of her majesty's allies, who for that purpose were assembled at Utrecht, with those of France, with full powers to transact the same; having no regard to the true ends of his said commissions and powers, to the honour or safety of her majesty or her kingdoms, to the many solemn engagements she was under to the old and faithful allies of this nation, or to the common liberties of Europe; but being devoted to the interest and service of the French king, the then common enemy, in defiance of the tenor of the several treaties before-mentioned, or some of them, as well as of the frequent advices of parliament, and the many declarations of her majesty from the throne; but more particularly in defiance of the solemn and mutual assurances which had been so lately renewed between her majesty and the States General, to act in perfect concert with each other, in making peace as in making war, and of the several instructions from her majesty under the sign manual to him the said earl in pursuance thereof; was not only wanting in his duty and trust to her majesty, by not advising against, and as far as was in his power, by not opposing, the going into any private separate negotiation with France; but, on the contrary, when a separate, dishonourable, and destructive negotiation of peace was entered into, between the ministers of Great Britain and France, without any communication thereof to her majesty's allies, according to the several treaties; he the said earl did not only take upon himself, and presume, from time to time, to advise and exhort that the same should be continued and carried; but did likewise frequently concert private and separate measures with the ministers of France, in order to impose upon and deceive her majesty's good subjects and her allies, and was instrumental in promoting the said separate negotiation, exclusive of all the allies, and to their manifest prejudice and detriment. And further, he the said earl, when the ministers of France, at Utrecht, refused to answer in writing, and on many other occasions, proceeded in a fallacious and unjustifiable manner, in transacting the negotiations of peace; was not only wanting in his duty, in not representing to her majesty and her ministers against the same, and in not supporting in the manner he ought to have done her majesty's good allies in their reasonable demands from France; but, on the contrary, commended the French prudence in taking such measures; and even suggested himself the methods for France to make use of, to create dissentions amongst the allies, and separate negotiations between each of the allies and France, thereby to dissolve the whole confederacy. By which wicked and treacherous practices, he the said earl prostituted the honour of her majesty and the imperial crown of these realms, and grossly violated his powers and instructions, the many treaties which her majesty then stood engaged in to her allies, and the repeated assurances which the said earl had, by her majesty's order and in her name, given to the said allies, to act in perfect concert with them throughout the whole negotiations of peace; thereby rendering the design of the confederacy, and the mutual support expected from the same, altogether useless, and giving up the affairs of Europe into the hands of France."

ARTICLE II.

"Whereas the maintaining a perfect union and good correspondence between her late majesty and the illustrious house of Hanover was of the utmost importance, for preserving to them kingdoms the invaluable blessings of their religion and civil liberties by securing the succession to the crown, by a race of protestant princes, ever renowned for their great justice and clemency, and thereby defeating the traiterous designs of the Pretender, and, for that purpose, the great wisdom of divers parliaments, had fixed and confirmed the said succession, had also laid the obligation of an oath upon the subjects of these realms, to support and maintain the same to the utmost of their power; he the said Thomas earl of Strafford, not regarding the many ill consequences to her majesty and these kingdoms, which would naturally ensue from a disunion or coolness of affection between princes so nearly allied in blood and interest, instead of doing what in him lay to prevent the same, did, on the contrary, in his letters from Holland to her majesty's ministers of state in Great Britain, by divers false representations and scurrilous reflections upon his present most gracious majesty, then elector of Hanover, endeavour to alienate her majesty's affections from his said electoral highness, and to create or widen fatal differences or misunderstandings between them: and when, by the wicked and pernicious advice of him the said Thomas earl of Strafford and divers other evil counsellors, her late majesty was at last prevailed upon to make a fatal cessation of arms with the then common enemy, without any concert with his said electoral highness, and against the consent, and contrary to the most earnest representations, of all the allies; for the execution of which he the said earl was sent over to the army in the Netherlands, where the * generals of the auxiliaries paid by her majesty, whose honour and consciences would not permit them to abandon the confederates, and leave them as a sacrifice to France, refused to withdraw with the duke of Ormond, without particular orders from their respective masters; which proceedings of the confederate generals being wickedly represented by the said evil counsellors, in conjunction with the ministers and emissaries of France, as an indignity offered to her sacred majesty; he the said Thomas earl of Strafford, to create uneasinesses and dissension between her late majesty, and his then

* Origin. General.

electoral highness, did, by his letter, on or about the 17th of July, 1712, to her majesty's then secretary of state, maliciously and wickedly suggest and affirm, 'that the said separation of 'the confederate generals from the duke of Or- 'mond ought to be imputed to his said electoral 'highness.' And further, he the said earl, by frequently affirming, and sometimes in the most solemn manner, to the ministers of his said electoral highness as well as others, the most notorious and manifest untruths, contrary to the intentions and interest of her majesty, and vainly intending thereby to deceive and impose upon his said electoral highness and the rest of her majesty's good and faithful allies in matters of the highest importance; and particularly, by solemnly affirming, on or about the 16th of July, 1712, to Monsieur Buleau, general of the Hanover forces, and the rest of the confederate generals, 'that her majesty had made no truce 'with France;' whereas he the said earl then well knew the same was made and concluded several weeks before; did thereby, as well as by all the before mentioned proceedings, not only prostitute and dishonour the high characters he was then invested with, but, as far as in him lay, did dissolve the mutual confidence and good understanding so necessary to be maintained between her said late majesty and the illustrious house of Hanover, for the safety and prosperity of Great Britain, and the common liberty of Europe.

ARTICLE III.

"Whereas, in the pernicious negotiations of peace carried on by him the said earl and other evil counsellors with the ministers of France, the French king had proposed to acknowledge her majesty's title to the crown of these realms, and the protestant succession in the illustrious house of Hanover, when the peace should be signed between Great Britain and France, and not before: whereupon the House of Lords, by an humble address to her majesty, on the 15th of February 1711, begged leave to represent their just indignation at that dishonourable treatment of her majesty; as also their utmost resentment at the terms of peace offered to her majesty and her allies by the plenipotentiaries of France; for which addresses her majesty was pleased to return them her hearty thanks, for the zeal they had therein expressed for her honour; he the said earl was not only wanting to his duty to her majesty, and zeal for the protestant succession, in not advising her majesty against treating with France upon such dishonourable terms; but did himself, with other evil counsellors, privately, wickedly, and traiterously, concert and agree with the ministers of France, that the said proposals, so derogatory to the dignity of her majesty, and dangerous to these kingdoms, should be the conditions upon which France would agree to treat of a peace with Great Britain. And further, he the said earl, in contempt and defiance of the judgment of the House of Peers which had received her majesty's gracious approbation, and acting the part of an emissary of France instead of a plenipotentiary of Great Britain, being thereunto encouraged, and founding his presumption on a letter to the then bishop of Bristol and him the said earl, from Henry Saint John esquire, then principal secretary of state, on the 16th of February 1711, the next day after the said address of the House of Peers was made, and informing them of the indignation expressed in Great Britain at the offers of France, but that by the management of master Thomas Harley (then secretary of the treasury) the House of Commons was perfectly and absolutely secured to the measures of peace; did wickedly, deceitfully, and perfidiously, concert and agree with the ministers of France, at Utrecht, that the said French ministers should write a collusive letter to him the said earl and the then said bishop of Bristol, wherein her majesty should be styled queen of Great Britain; which letter was not to be made any use of at Utrecht, or taken as an acknowledgment by France of her majesty's title to the crown: but was agreed to be transmitted to Great Britain, thereby to deceive and impose upon her majesty and the parliament, as if France had then actually acknowledged the same; which said letter was accordingly written by the ministers of France, and transmitted to Great Britain by him the said earl; whereby her majesty, the parliament, and the whole nation were most grossly and scandalously abused, and drawn in to the said destructive measures of peace, to the great dishonour of her majesty and these kingdoms, and to the apparent danger of the Protestant Succession.

ARTICLE IV.

"That he the said Thomas earl of Strafford, in defiance of the many treaties between her majesty and her allies, for the recovery of the monarchy of Spain to the house of Austria, thereby to preserve a due balance of power in Europe; and in contempt of the advice and opinion of parliament, 'That no peace could 'be safe, honourable, or lasting, so long as 'Spain and the West Indies continued in any 'branch of the House of Bourbon;' and also in direct violation of her majesty's instructions, of the 23d of December, 1711, in pursuance thereof; whereby he the said earl was expressly commanded, 'To insist in the confer- 'ences of peace, with the ministers of France, 'that the security and reasonable satisfaction 'which the allies expected, and which his most 'Christian majesty had promised to grant, 'could not be obtained if Spain and the West 'Indies be allotted to any branch of that 'house:' did not only presume to treat about the peace with the ministers of France, without insisting, as he ought to have done, that Spain and the West Indies should not be allotted to the said house of Bourbon; but also, when the ministers of his imperial majesty and of the king of Portugal, in conformity to the mutual obligations and treaties between her majesty and them and with each other, demanded of

France, 'That Spain and the West Indies 'should be restored to the House of Austria;' and requested him the said earl, 'to join with 'them, to strengthen that damand,' did decline and refuse to do the same: by which perfidious and unwarrantable practices of him the said Thomas earl of Strafford, incurable jealousies and discords were created between her majesty and her allies; that mutual confidence, which had so long and so successfully been cultivated between them, and which was so necessary for their common safety, was absolutely dissolved, the just balance of power in Europa was wickedly betrayad; and apparent advantages were given to the common enemy, to impose what terms of peace he should think fit upon her majesty and the whole confederacy.

ARTICLE V.

"Whereas her late majesty, on the 7th of December, 1711, having earnestly recommended from the throne, 'That provision might 'be made for an early campaign, in order to 'carry on the war with vigour, and as the best 'way to render the treaty of peace affectual;' and accordingly supplies were granted, and magazines provided at a great expence; and in pursuance thereof, her majesty having given early assurances to her allies of her sincere intentions, and likewise expressly instructed her general the duke of Ormond, not only to renew the same assurances, and declare her resolution of pushing on the war with the utmost vigour, but to concert with the generals of the allies the proper measures for entering upon action; which assurances were accordingly given by the said duke, and the confederate army was thereupon ordered to be assembled, which at that time was the strongest that had been in the service during the whole course of the war, and greatly superior to that of the enemy; notwithstanding which premises, he the said Thomas earl of Strafford, then of her majesty's privy council, being informed of, the reasonable prospect, which, by the blessing of God, the army of the confederates then had, of gaining new conquests over the army of France; in order to disappoint the expectations of the allies, and to give success to the secret and wicked negociations then carrying on by himself and other evil counsellors with the ministers of France; on divers very false and groundless suggestions and allegations, and in violation of the many treaties then subsisting between her majesty and the States General, as well as several other princes, at several times, and particularly by his letter of the 30th of April, 1712, to Henry viscount Bolingbroke, then Henry St. John, esq. one of her majesty's principal secretaries of state, did wickedly and treacherously suggest and advise, that a cessation of arms should be made with France, by her majesty, without and even against the consent of her good allies and confederates: in pursuance of which wicked counsels and advices, directions were afterwards privately sent, in her majesty's name, to the duke of Ormond, in Flanders, to avoid engaging in any siege, or hazarding a battle, till further orders, although nothing had been then settled in the said private negotiations for the interest and security of Great Britain. And further, he the said Thomas earl of Strafford, at that time also of her Majesty's privy council, did advise her late majesty that he himself should be sent, and accordingly he was afterwards sent, from England, to the army under the duke of Ormond in Flanders, with directions, in her majesty name, to cause a cessation of arms to be made and proclaimed between her majesty and the French army, and a separation to be made by the troops of Great Britain from the confederate army; which were accordingly performed and executed, by the advice and direction of him the said earl, without the consent, and contrary to the earnest representations of her majesty's confederates, and in open violation and defiance of the many treaties then subsisting between her majesty and her good and faithful allies: by which wicked and perfidious counsels and practices of him the said Thomas earl of Strafford, the progress of the victorious arms of the confederates was stopped, and a most favourable opportunity lost for conquering the enemy; all hopes of confidence between her majesty and her allies were entirely destroyed, and the French king made absolute master of the negotiations of peace.

ARTICLE VI.

"That he the said Thomas earl of Strafford having, in concert with other false and evil counsellors, wickedly advised and procured the said fatal cessation of arms, and likewise obtained for France the separation of the troops of Great Britain from the confederate army; in further execution of his treacherous purposes, to advance and promote the interests of France; and being determined, as far as in him lay, not only to render all future correspondence and good harmony between her majesty and the States General utterly impracticable; but designing, by all possible means, to weaken and distress the said States, in order to bring them under an absolute necessity of complying and submitting to the measures of France; and well knowing that taking possession of Ghent and Bruges was the readiest means of effecting the same; did wickedly and treacherously advise that a party of the queen's troops should be sent to march through some of the towns belonging to the States General; in hopes, that the commanders of the said towns, incensed by such unjust and unnecessary provocations, and through the apprehensions of the ill consequences that such attempts and proceedings might subject them to, would be induced to refuse them admittance, and thereby give a pretence for putting in execution the perfidious designs and resolutions which had been concerted by him the said earl, and other evil counsellors, with the ministers of France: in pursuance of which wicked advice, a party of her majesty's troops was

accordingly sent with orders to march through some of the fortified towns belonging to the States General; and on pretence of their being denied passage through the same, the said treacherous and destructive design was immediately put in execution, and Ghent and Bruges were seized upon by the troops of Great Britain; whereby, all means of communication between Holland and the confederate army being entirely cut off, or put into the hands of those who had so lately and shamefully betrayed the common cause, apparent advantages and encouragement were given to the French army, and her majesty's good and faithful allies were deterred from forming or prosecuting any designs against the common enemy; since the same could not be put in execution without their knowledge and consent, who, on many occasions, had given the most evident proofs of their disaffection to the confederates, and of their firm adherance to the interests of France. All which crimes and misdemeanors were committed and done by him the said earl, against our late sovereign lady the queen, her crown and dignity, the peace and interest of this kingdom, and in breach of the several trusts reposed in him the said earl; and he the said earl of Strafford was of her late majesty's privy council, her ambassador extraordinary to the States General, and one of her plenipotentiaries, to treat of a good and general peace with France, during the time that all and every the crimes before set forth were done and committed. And the said knights, citizens, and burgesses, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any other accusation or impeachment against the said Thomas earl of Strafford, and also of replying to the Answer that the said Thomas earl of Strafford shall make unto the said Articles, or any of them; or of offering proof of the premises, or any other impeachments or accusations that shall be exhibited by them, as the case shall (according to the course of parliament) require; do pray, that the said Thomas earl of Strafford be put to answer the said crimes and misdemeanors, and receive such condign punishment as the same shall deserve; and that such proceedings, examinations, trials, and judgments, may be upon every one of them had and used, as are agreeable to law and justice."

Debate thereon.] The above Articles having been read,

The Earl of *Strafford* stood up, and complained of the hardship that had been put upon him, by seizing his papers*, in an unprecedented manner. That he designed to have drawn up and printed an account of all his negotiations, whereby, he did not doubt he should have made it appear to all the world, that he had done nothing but in discharge of his duty, and of the trust reposed in him. That if either in his letters or discourses, while he had the honour to represent the crown of Great Britain, he had dropt any unguarded expressions against some foreign ministers, he hoped the same would not be accounted a crime by a British House of Peers. Concluding with desiring, that a competent time he allowed him to answer the Articles now brought against him; and that he might have duplicates of all the papers, that either had been laid before the Committee of Secrecy, or were still in the hands of the government, which might be for his justification.

The Lord *Townshend* said, that his complaint about the taking his papers from him, was altogether groundless and unjust; that infinite instances of the like proceeding might be produced; that no state could be safe without it; and, in short, that extraordinary cases justify extraordinary methods. That as to the earl of Strafford's demand, to have duplicates of all the papers that had been laid before the Commons, he thought it unreasonable, and made with no other design than to gain time; and make the Commons lose the opportunity of bringing him to his trial: that those papers were so voluminous, consisting of 13 or 14 volumes in folio, that they could not be copied out in many weeks; and as the earl might have had access to them, ever since they were laid before the Parliament, so he was still at liberty to peruse them, and extract out of them what he thought proper for his own defence.

The duke of Devonshire and the lord Cowper backed the lord Townshend; and, on the contrary, the lord Harcourt, and the bishop of Rochester, spoke for the earl of Strafford:

The Earl of *Hay* represented, That, in all civilized nations, all courts of judicature, except the inquisition, allowed the persons arraigned all that was necessary for their justification; and that the House of Peers of Great Britain ought not, in this case, to do any thing contrary to that honour and equity, for which they are so justly renowned through all Europe.

Hereupon it was resolved, that the earl of Strafford should have copies of all such papers as were in the secretary's, and other offices,

* The king having thought fit to have the earl of Strafford's papers, relating to his public negociations, laid before the council, the lord Townshend was sent to his lordship's house to demand the same. The earl having made some difficulty to comply with that demand, unless he had an express order from the council in writing, his lordship was summoned before the council on the 11th of January; and, after he had been examined, his majesty was pleased to give orders accordingly to lord Townshend and Mr. Secretary Stanhope, the two Secretaries of State, who went immediately to the earl of Strafford's house, and received from him two trunks, said, by him, to contain what was required. At the same time orders went sent for sealing up his lordship's papers that were yet on ship-board, on the coast of Holland.

which he should think proper for his defence; that he should have free access to the papers that had been laid before the Commons; and that a month's time be allowed him, to answer the Articles of Impeachment against him.

THE EARL OF OXFORD'S ANSWER TO THE ARTICLES OF IMPEACHMENT AGAINST HIM.] Sept. 3. The House of Lords being informed that Joseph Taylor attended, with the Answer of the earl of Oxford and earl Mortimer, to the Articles of Impeachment exhibited by the House of Commons against him, he was called in, and presented the said Answer at the bar, sealed up. And, being examined upon oath, touching the same, said he received it from the said earl of Oxford, as his Answer, this morning; and had directions from his lordship to deliver it to this House as his Answer. And then he withdrew; and the said Answer was read, as follows:

"The ANSWER of ROBERT Earl of OXFORD and Earl MORTIMER, to the Articles exhibited by the knights, citizens, and burgesses, in Parliament assembled, in the name of themselves and of all the Commons of Great Britain, in maintenance of their Impeachment against him for High Treason, and other High Crimes and Misdemeanors supposed to have been by him committed.

"The said Earl, saving to himself all advantages of exception to the said Articles, and of not being prejudiced by any words or want of form in this his Answer; and also saving to himself all rights and privileges belonging to him as one of the peers of this realm; for answer to the said Articles, saith: he admits, many solemn treaties and alliances have been formerly entered into, between the crown of England and other princes and potentates of Europe, for their mutual security, and to prevent the immoderate growth of the power of France, which might prove dangerous to the neighbouring princes and states; and that therefore it was laid down as a fundamental principle and maxim of union amongst the allies, 'that France and Spain should never come and 'be united under the same government; and 'that one and the same person should not be 'king of both these kingdoms:' and he apprehends, that the principal view and aim of the allies was, to settle and maintain an equal balance of power in Europe; and, since the conjunction of Spain to the dominions of France might possibly ensue from the duke of Anjou's being possessed of that crown, the dispossessing him was desired, as the most likely means to prevent that conjunction; and, for the same reason, the union of Spain with the empire must have been equally fatal, and the prevention of it equally the design of the alliance; nor could the continuance of Spain in the house of Bourbon be in any respect prejudicial to the allies, if the union of that crown with France could be prevented. As new dangers of such union have been apprehended, new treaties and stipulations have been entered into among the allies, to obviate such dangers; and particularly the Treaty for an intended Partition seems to have been concluded upon that view. And though he acknowledges the wisdom of Parliament in condemning that treaty, as prejudicial and fatal in its consequences to England and the peace of Europe; yet, he presumes, it was not condemned because part of the dominions of the crown of Spain were thereby allotted to the house of Bourbon, but because such considerable parts of those dominions as the kingdoms of Naples and Sicily, the province of Guipuscoa, and other territories, were allotted to that branch of the house of Bourbon to whom the crown of France was to descend, which might have been a great and dangerous addition to the then formidable strength of that crown; and because it was made against the repeated remonstrances of Charles the second, then king of Spain, who declared, by his ambassador, 'that such partition treaty could have no other 'effect, than to force Spain to throw itself into 'the arms of France, to prevent the dismember-'ing of the Spanish monarchy;' and that it had this consequence, appeared upon the death of that prince, who seems to have been induced by that consideration to bequeath the entire monarchy of Spain to the duke of Anjou, a younger branch of the house of Bourbon, who accordingly, upon the demise of the said king Charles the second, took possession of the monarchy of Spain; but this accession of the duke of Anjou to the crown of Spain did not produce the alliance in the article mentioned, between Leopold, then emperor of Germany, his late majesty king William 3, of ever glorious memory, and the States General, as immediately necessary at that juncture; for king William, as well as the States General, acknowledged the duke of Anjou as king of Spain; thereby allowing, that the duke of Anjou's enjoyment of the monarchy of Spain, while he was but a younger branch of the house of Bourbon, was not inconsistent with the liberties of Europe, or the preservation of a due balance of power; and afterwards, when the French king had seized the Spanish Netherlands, king William, by advice of parliament, came in to the assistance of the States as an auxiliary only, by sending upon their request 10,000 men, which England was obliged by treaties to furnish in case the States were attacked; after which, many conferences passed at the Hague betwixt the ministers of England and the States and those of France, in order to find out some expedient, by which, upon a reasonable division of the dominions of Spain, a new war might be prevented: and the States, in the course of those conferences, often asserted, 'That 'though they had acknowledged Philip, king 'of Spain, yet such an acknowledgment was 'not contrary to the demand of a reasonable 'satisfaction to be given to the emperor for 'his pretensions to the Spanish succession;' which was in effect to declare, 'That the sa-'tisfaction demanded for the emperor was such

'as would leave king Philip in possession of 'Spain.' But these conferences broke off, about August 1701, without effect; and in September following, king William entered into the grand alliance with the emperor and the States General; whereby it was agreed, 'That in the first place, endeavours should be 'used, by amicable means, to obtain the sa- 'tisfaction desired for the emperor;' who probably at that time would have accepted a very easy composition for his pretensions. But, when the French king acknowledged the Pretender as king of England (which not long after happened), his majesty king William and the parliament of England, justly provoked by this affront, resolved to enter into the war, which had been begun by the emperor alone in Italy the year before; and the late queen mentions this indignity as the chief motive of her engaging in it, as appears by her declaration of war against France and Spain, in May 1702. The said Earl admits the several treaties set forth in the preamble to the said articles, and that such advice was given by parliament, and such speeches were made from the throne, as in the said preamble are mentioned; but, for more certainty, begs leave to refer himself to the very treaties, addresses of parliament, and speeches, when they shall be produced; and he humbly hopes your lordships will allow him to observe, That those treaties manifestly shew that the design of the allies, in endeavouring the recovery of Spain from the house of Bourbon, was to prevent the union of those two potent kingdoms in one and the same person. In the grand alliance in 1701, the avowed ends are, 'that procuring an equitable and reasonable 'satisfaction to his imperial majesty, for his 'pretensions to the Spanish succession; the se- 'curity of the dominions of the king of Great 'Britain and States General, with the navigation 'and commerce of their subjects; the prevent- 'ing the union of France and Spain under the 'same government;' and the territories and provinces pointed out in the fifth article were the farthest views of that alliance: whereby it was thought his imperial majesty would receive the utmost satisfaction which he could reasonably demand for his pretension to the Spanish succession. No mention is made of the recovery of the whole monarchy of Spain to the House of Austria, either in the grand alliance or in the defensive one, made the same year, between his majesty king William and the States General; and when, in the treaty between the emperor, the queen of Great Britain, and the States General on the one part, and the king of Portugal on the other, about May 1703, it was concerted to place archduke Charles, the present emperor, upon the throne of Spain, he was then but a younger branch of the House of Austria; and there is great reason to believe that the queen, as well as other princes of Europe, and in particular the king of Portugal, did not think a treaty to procure the crown of Spain for the arch-duke, when a younger branch of the House of Austria, did lay any obligation of procuring that monarchy for him when he became first of that House, and was elected emperor; since the imperial and hereditary dominions, joined to the whole Spanish monarchy, would have given such excess of power to one prince, as would have been formidable to Europe, and a means to destroy that balance of power which her majesty in all her treaties had constantly laboured to preserve: and it is a known and an allowed rule by the law of nations, in reference to leagues between princes, That if there happens a material change in what was the principal ground and cause of the treaty, the obligation thereof ceases. If, therefore, in the preliminary articles in 1709, and afterwards in the conferences at Gertruydenberg, a cession of the Spanish monarchy to king Charles the third, who was then younger brother to the emperor, was thought reasonable to be insisted on, yet the said earl humbly submits to your lordships great judgment, whether there was equal reason for insisting on such cession, when king Charles the third was become head of that House, and had possession of that Empire and all the hereditary countries of Austria, as a condition without which no peace should be made. The States General were so far from admitting, or yielding, that the monarchy of Spain should in all events be given to the House of Austria; that he the said earl hath heard they refused to admit it to be inserted as a condition of their Barrier Treaty when proposed by her majesty's ambassador at the Hague; and chose rather to put a stop to the proceedings of that treaty, and hazard the advantages they thereby expected, than comply with that proposal. The advice of parliament is of great weight; to which her late majesty always gave, and he the said earl always paid, a just regard: and he doubts not but the House of Peers had proper inducements, when they gave their advice to the throne, 'That no 'peace could be safe, honourable, or lasting, 'so long as the kingdom of Spain and the West 'Indies continued in the possession of any 'branch of the House of Bourbon:' but, if he may be permitted to offer his humble conjectures of the motives of that advice, he conceiveth it might proceed from an apprehension of a future union of those two crowns, as likely to ensue, in case Spain should continue in the possession of any who might become heir to the crown of France; and that even the conjunction of the empire and Spain would be less dangerous than such an union: but when her majesty communicated to her parliament, the sixth of June 1712, the terms upon which a peace might be made, and thereby informed them, 'That France had been brought to offer, 'that the duke of Anjou should, for himself and his descendants, renounce for ever all claim to 'the crown of France; and that, at the same 'time the succession of the crown of France was 'to be declared, after the death of the then dau- 'phin and his sons, to be in the duke of Berry 'and his sons, in the duke of Orleans and his sons, 'and so on to the rest of the house of Bourbon;

end that the succession to Spain and the West Indies, after the duke of Anjou and his children, was to descend to such prince as should be agreed upon at the treaty of peace, for ever excluding the rest of the house of Bourbon;" both Houses of Parliament, by their respective addresses to her majesty in the same month, expressed their entire satisfaction And as the House of Commons desired her majesty 'to 'proceed in the negotiations then depending, 'for obtaining a speedy peace;' so the House of Lords assured her majesty, that they entirely relied on her majesty's wisdom, to finish that great and good work. And, after her majesty had concluded a peace on those terms, both Houses of Parliament severally congratulated her majesty on the conclusion of the peace; and also joined in an address of the 22d of April 1714, expressing their just sense of her majesty's goodness to her people, in delivering them by a safe, honourable, and advantageous peace with France and Spain, from the heavy burthen of a consuming land war, unequally carried on and became at last impracticable. He the said earl acknowledges, that her majesty was pleased, about August 1710, to re-admit him, among others, to a place in her council, and require his services in offices of trust: to which he submitted, purely in obedience to her majesty's commands, with great reluctance, from the prospect of the difficulties with which he was likely to struggle: But, as he never asked any employment, nor used any wicked arts or base insinuations to obtain the same from her majesty, so, in all employments with which her majesty was pleased to honour him, he sincerely endeavoured to discharge his duty with the utmost integrity; having always with the truest zeal desired and endeavoured, as far as he could, to promote the honour and service of her majesty, whose aim he knew to be the welfare of her kingdoms in the first place, and (as far as she judged it consistent with that) the common good of her allies. In or about the month of September 1710, her majesty (whose undoubted prerogative it was) thought fit to dissolve the Parliament then in being, and call a new one. In the year 1711, propositions were made by France to her majesty, for peace, without the contrivance or previous knowledge of the said earl: her majesty, out of her affection for her people, having much at her heart to establish peace in her own days, expressed her concern for the disappointment of former negotiations, and her earnest desire to put a speedy end to the war and to the effusion of Christian blood, and to ease her subjects from the heavy burthen of their taxes. The said earl doth acknowledge, that he thought a peace was very much for the interest and advantage of Great Britain; and, in his humble opinion, the most favourable juncture for obtaining advantageous terms of peace was immediately after the signal victories gained by her majesty's arms in the year 1706; for, after the reduction of the dominions of the electors of Bavaria and Cologne, with other important conquests in Germany; after the entire destruction of three great armies of France, in Flanders, Spain, and Piedmont; after the allies had recovered the Spanish Netherlands, Milan, and other territories in Italy, it might have been hoped, from the great distress in which the enemy then was, a just and reasonable peace could have been obtained, since so much was at that time gained from the enemy, and so much more in all probability, would have been yielded by them, as would have fully answered the ends of the grand alliance. Peace was at that time sought by the enemy. And the said earl, who had the honour to be then one of the principal secretaries of state, owns, he then advised the accepting of it; and he humbly begs leave to observe that the war had been continued upon so unequal a foot; that the burden of it annually increased, and at the time when those proposals were made by France was become almost insupportable. It had indeed been stipulated by the grand alliance, 'that the allies should assist one another with 'all their forces, according to a specification to 'be agreed on, in a particular convention for 'that purpose;' but it doth not appear any such convention was made, otherwise than as the House of Commons were informed by one of the principal secretaries of state to his late majesty king William, 'that, by the proportions adjusted with the States, England was to 'furnish two parts of five by land, and, the 'States the other three;' and England was to furnish five parts of eight by sea and the States the other three;' but the States not always allowing themselves to be under an obligation to furnish such proportions, gave occasion to England's bearing an unequal part in the war, with respect to the allies. The States had that prudent regard to the frugal ordering of their affairs, that they frequently insisted they ought not to be pressed beyond their ability, and made themselves the sole judges of what came within the compass of it; and by that means avoided the supplying any quota or proportion which they thought improper for them to furnish. In the mean time the charge of the war was greatly increased upon the subjects of Great Britain. In the year 1702, it was under 4,000,000*l*; from thence it gradually increased till the year 1706, the charge of which year amounted to above 5,500,000*l*; and still advancing till the year 1711, it was then grown to near 7,000,000*l*.; and at the same time there was a debt contracted, not provided for by parliament, amounting to 7 or 8,000,000*l*. the very interest of which, and other debts wherein the nation was involved, amounted to 3,000,000*l* per annum; and the revenues of Great Britain was under such anticipations, that it was found difficult to raise above 2,500,000*l* for the growing service, to be paid within the compass of the year, so that, when the duties and difficulties upon trade and the continuance of the taxes upon land (which had lain so heavy above twenty years)

are considered, the said earl believes it could not be thought for the public interest to prolong the war, without an absolute necessity. During this time, the States had managed with so good œconomy, that the said earl hath not heard of any additional duty laid by them upon trade, from the year 1702, to the year 1711; and what acquisitions were made upon the continent, during the continuance of the war, though at the expence of British blood and treasure, accrued to the share of the allies; and the Dutch being under no prohibition of commerce with France, had a further advantage of the British merchants in respect to a free trade. Although the princes of the empire were engaged by previous treaties to furnish their quotas to the common cause; yet, when they were often pressed to do it, they alledged in excuse, 'that those 'troops (which they were obliged to furnish at 'their own expence) were in the pay of the 'crown of Great Britain:' the emperor left it to her majesty to provide for these troops which by the Portugal treaty in the year 1703, he was to furnish; the king of Portugal not only neglected the proportion of 12,000 foot and 3,000 horse, which by the said treaty he was to provide at his own expence, but even refused to permit the 11,000 foot and 2,000 horse (for which he had subsidy from her majesty) to be paid by musters, according to an article of that treaty; and, when pressed to furnish his full number of troops, alledged his inability for want of that part of the subsidies which the States ought to have paid him; so that almost the whole charge of the war in Spain was left upon her majesty; the States having sent few or no troops thither after the battle of Almanza, and all the other allies being likewise defective in their proportions. This was the condition of affairs with respect to the charge of the war; nor did there appear, from the then situation of affairs, any more promising prospect with regard to the event; for although it had pleased God to bless her majesty's arms with wonderful success, at which the said earl most sincerely rejoiced; yet it did not appear that, after the year 1706, our successes in other parts had countervailed our losses in Spain; for, after two great battles wherein we had been there defeated, after our forces had been twice obliged to retire from Madrid, and after the taking the British troops at Brihuega, the recovery of Spain (which was the main article that retarded the conclusion of the peace at Gertruydenberg) seemed almost desperate; especially since the French, in the year 1711, by their plentiful vintages and harvests had well nigh recovered the effects of the famine; and since some of the allies, at the same time, made pressing instances for recalling part of their troops, as they had done frequently during the course of the war, from whence it appears, how just the grounds were, upon which both houses of parliament represented to her majesty, 'that the war had been unequally carried 'on, and must at last become impracticable.'

And the said earl humbly hopes, he shall not be thought to have designed any dis-service to his country, if, in such a condition of affairs, he did not dissuade her majesty from hearkening to the overtures of peace made to her from France, or if during the negotiations, he endeavoured, by corresponding, with her majesty's knowledge and approbation, in any courts concerned therein to rectify any mistakes, or contribute in any measure towards the conclusion of a general peace; But the said earl believes, that, in all the negotiations towards such peace, the allies had such knowledge, and communication of all measures therein taken by her majesty, as the treaties her majesty was engaged in required; that the propositions transmitted from France, about April 1711, were immediately communicated to the Pensionary and ministers of Holland; that her majesty did at the same time assure them of her resolution to act in concert with them, in making peace as in making war; that when the States had expressed their desires to be equal with those of Great Britain, for a general and lasting peace, and had declared, 'that they were ready to 'join in proper measures to procure it, and desired France might explain itself more particularly upon the points contained in those 'propositions;' her majesty endeavoured to obtain such explanations, and afterwards communicated them to the States; And, if her majesty thought it not expedient to proceed in the method of a preliminary treaty, which had proved so ineffectual in the years 1709 and 1710, but thought it might be sufficient upon articles signed by a minister of France, by his sovereign's command, to open cooferences for a peace; the said earl humbly hopes, that this proceeding will appear to be so far from being an unreasonable deviation from the methods of former transactions in that kind, that it will be justified by many precedents of such treaties. The said earl can affirm, that during the whole negotiation, so far as he was concerned, he acted with a sincere intention to obtain a general peace for the welfare and honour of her majesty and her kingdoms, and such as might give reasonable satisfaction to her allies, and answer all the obligations her majesty was under by any treaties with any of the confederates; and is not conscious to himself that he hath in any respect transgressed that duty, which, as a privy counsellor or officer of state, he did owe to her majesty or to the public. He is not insensible that many of the articles wherewith he stands charged are complicated, with such circumstances, aggravations, and inferences, as may render it difficult for him to acknowledge some facts alledged, without acknowledging, or seeming at least to acknowledge, those circumstances or inferences. And as he is not conscious to himself of being guilty of any crime he stands charged with; so he takes it to be agreeable to the common course of proceedings of this nature, and to your lordships' justice, that he should not admit any circumstances which may tend to the accusa-

tion of himself. He therefore begs leave, that he may be allowed to distinguish between the acts themselves and the inferences drawn from them; and that, wherever he acknowledges any fact, he may not be understood to acknowledge those consequences which are in the articles deduced from it, unless it shall appear that the consequence was the aim and design of the said earl, or is the necessary result of any act he hath done.

"In Answer to the first Article; the said earl saith, That he always had the greatest regard to the honour and safety of her late majesty and her kingdoms, to all the engagements she was under to the allies of this nation, and to the common liberties of Europe; that he never was devoted to the interest or service of the French king, that he is not conscious to himself of having acted, whilst he had the honour to be her late majesty's high treasurer, or one of her most honourable privy council, contrary to his oath, or in violation of his duty and trust, or with disregard to, much less defiance of, any treaties in the said article mentioned, the advices of parliament, her majesty's declarations from the throne, or any mutual assurances which had been made or renewed between her majesty and the States to act in perfect concert with each other, in making peace as in making war: And he utterly denies that, in or about the months of July or August 1711, or at any other time, he did form any contrivance or confederacy to set on foot a private, separate, dishonourable, or destructive, negociation of peace, between Great Britain and France, nor doth he know of any such contrivance or confederacy formed by any of her majesty's privy council, or that such negotiation was at any time set on foot. But the said earl saith, he doth believe that, about the month of April 1711, her late majesty did receive from France some proposals, in order to set on foot a treaty for a general peace, signed by M de Torcy, secretary of state to the most Christian king, which, as he believes, were immediately communicated by her ambassador in Holland to the States-General; whereupon, as he has been informed, they 'thanked her majesty for her 'confidence in them, declared themselves to be 'weary of the war, and ready to join in any 'measures her majesty should think proper for 'obtaining a good peace; and that they hoped 'her majesty would bring the French to ex-'plain more particularly the several points con-'tained in the abovementioned proposals;' or to that effect. And that, after such request, her majesty sent Matthew Prior esquire to the court of France, in order to obtain as full and ample an explanation as he could of the first general offers. But the said earl denies that he did advise her majesty to send the said Mr. Prior to the court of France, to make propositions of peace without communicating the same to her allies; or that the said Mr Prior did, by his advice or privity, communicate any propositions to the ministers of France, wherein the interests of Great Britain or the common interest of Europe were betrayed; nor doth the said earl know that the said Mr. Prior had any power to communicate propositions to the ministers of France, which betrayed either the interest of Great Britain, or the common interest of Europe. Therefore the said earl insists, that there is no ground to charge him with the treacherous or pernicious contrivances in this article mentioned. And if any article was inserted in any propositions to be communicated by the said Mr Prior, 'That 'the secret should be inviolably kept, till al-'lowed to be divulged by the mutual consent 'of both parties;' yet the said earl denies that such article was inserted by his advice; and if any such there was, he cannot, however, believe it was designed to exclude her majesty's allies from the just share in the said negociation: And hopes he may be allowed to observe, that in case any instructions were given for not divulging propositions which concerned Great Britain in particular, the same were far from manifesting such design as is before mentioned; since it is well known to be the undoubted right of every member of a confederacy, to demand particular advantages for themselves, not inconsistent with their alliances, and which are not to take place but on the conclusion of a general peace; and it has been usual for those to whom the first overtures of peace are made, to make demands for themselves in the first place; as the States particularly did in the negociations at the Hague in the year 1709, and at Gertruydenburg in the year 1710. And though he apprehends that no agreement not to divulge the propositions, without the mutual consent of both parties, could not be to the prejudice of the allies; yet he believes that, in order to prevent any unreasonable jealousies among them, even those propositions which related to Great Britain in particular were communicated to them; and that it will likewise appear, that the propositions signed by Mons. de Torcy, and transmitted in the month of April 1711, in the said articles mentioned, whereby it is said, 'The French king offered to treat with the 'plenipotentiaries of England and Holland 'alone, or jointly with those of the allies, at 'the choice of England,' were proposals relating only to the manner of treating when the conferences should be opened; and that her majesty was so far from taking upon her to treat singly for the allies, that she chose to have all the parties admitted to the Congress, where they might have an opportunity of treating, and adjusting their respective interests; that being in her opinion the fairest method of proceeding, most advantageous to the confederates, and most likely to prevent jealousies and discords among them. And the said earl saith, That he doth not know that any negociation of peace was contrived or set on foot, by any persons employed in her majesty's service, which was in any respect more

advantageous to France than France had asked, or which had the tendancy to give the enemy a power to create misunderstandings between her majesty and her allies, or to destroy the confidance between them.

"In Answer to the Second Article; the said earl saith, That he believes Mons. Mesnager, a subject of the French king, did, some time in the year 1711, with her majesty's leave, come into the kingdom of Great Britain, and bring with him a letter from the said French king to her late majesty, acknowledging her majesty, queen of Great Britain, and likewise expressing a desire to re-establish peace with her; and that he was furnished with full powers from the said French king, for that purpose. The said earl further saith, That it hath been the usual and allowed practice in most nations, especially in England, for privy counsellors, by verbal orders from the sovereign, to confer within the realm with ministers of foreign princes: and he conceives such practice to be agreeable to the laws of this realm; and that full powers are usually granted to ministers who are sent abroad, for the justification of the persons with whom they shall treat, rather than to justify such ministers themselves. And the said earl denies that he did in the month of September 1711, or at any other time, secretly and unlawfully, or without authority, confer or treat with the said Sieur Mesnager, on the negotiations of peace between Great Britain and France, or that he did advise or promote the making a private and separate treaty or agreement between the said crowns; but he hath been informed, and doth believe, that there was a paper, styled, 'The Answer of 'France to the preliminary Demands of Great 'Britain,' more 'particularly signed by M. Mesnager only; to which was subjoined a declaration of the queen's acceptance of those preliminary articles as conditions his most Christian majesty consented to grant, which were to be reduced into the usual form of treaties, and explained after the most clear and most intelligible manner to the common satisfaction of Great Britain and France, and this only in case of a general peace; and this declaration, or some other declaration to the like effect, he believes might be signed by the lord Dartmouth and Mr. Secretary St. John, as in the said Article is set forth: But the said earl must crave leave to submit it to the judgment of your lordships, whether a paper of that sort (if any such there was) containing offers from France, which were not to take effect but in case of a general peace, can be called a separate treaty. He believes the allies had early knowledge and participation of the said proposals from the ministers of Great Britain; but denies that the interests of Great Britain were thereby given up to France, or the duke of Anjou admitted to be king of Spain; since, in the declaration annexed to the said proposals, he believes it is expressed, 'That her majesty 'might in justice expect the securities and advantages mentioned in those proposals, what 'prince soever he should be to whom the monarchy of Spain should be allotted.' And the said earl, recollecting as well as he can what were her majesty's views at that time, is persuaded, that her majesty had then a prospect that the monarchy of Spain would fall to the share of another prince. The said earl denies that, by his privity, consent, or advice, any private or separate treaty or agreement, whereby the interests of Great Britain were given up to France, or the duke of Anjou was admitted to be king of Spain, was agreed, concluded, or signed, by the said Sieur Mesnager on the part of France, and by the lord Dartmouth and Henry St. John, or either of them, in behalf of her late majesty; much less did the said earl at any time assume to himself regal power, or take upon him to meet and treat with the enemy without authority from her majesty, or do any thing to subvert the antient and established constitution of the government of these kingdoms, or introduce any illegal or dangerous methods of transacting the affairs of state. And the said earl further saith, That he did never aim at or endeavour, by any separate treaty, to dissolve or cancel any of those solemn treaties in which her majesty stood engaged to her allies; nor was he privy to any treaty whereby the queen was brought under a dilemma, either to submit to the dictates of France in the progress of such negotiation, or to lose the confidence of her allies.

"In Answer to the Third Article; the said Earl denies that, to disguise or carry on any private, separate, or dangerous negotiations, he did contrive or advise the preparing and forming the set of general preliminaries in the articles mentioned, intituled, 'Preliminary Arti'cles on the part of France, to come to a ge'neral peace," or any other set of general preliminaries of like nature, or that the same should be signed by the Sieur Mesnager; or that he did advise her sacred majesty, that the same should be received by her majesty: But the said earl hath been informed, that certain articles, called, 'Preliminary Articles on the 'part of France, to come to a general peace,' signed by the Sieur Mesnager only, were received by her majesty; and believes the same might be communicated to the ministers of the allies then residing in England, as a ground whereon the confederates might treat or negotiate concerning a general peace; but whether the same were communicated as the only transactions that had been on that subject between Great Britain and France, the said earl knows not: But, since it is termed impious advice, and contrary to the duty and trust of a minister of state of Great Britain, to advise the receiving such articles, the said earl, from his concern for the honour of her late majesty's administration, and the future welfare of these kingdoms, doth submit, whether it is criminal

sir such minister to advise the receiving articles from a minister of a prince in war, containing proposals for giving reasonable satisfaction to Great Britain and all her allies, and which, being signed by the minister of that prince only, were not intended to bind any other: And since preliminary articles are no essential step towards a general negotiation, there being, as he believes, but few instances where any matters of importance have been settled before the opening of general conferences, the said earl doth not conceive that, if any minister of state had advised her majesty to accept the preliminaries or offers from France, said to be signed by M. Mesnager, the 27th day of September 1711, as the foundation of a treaty, he had thereby offended against any known law; since the proceedings upon such preliminaries could not be more unsafe than proceeding without any at all. The said earl denies that any treaty, signed by the earl of Dartmouth or Mr. St. John, or either of them, on the part of England, and the Sieur Mesnager on the part of France (if any such there be), was industriously concealed from the allies, her majesty's council or parliament, by his advice or contrivance; or that he dissuaded her majesty from laying any such treaty before her allies, her council, or parliament, or that he advised her majesty to receive the said general preliminaries, or to communicate the same in her name, or by her authority, to the States General, as a sufficient foundation whereon to open the conferences of peace with France, The said earl hath been informed, and doth believe, that there were certain instructions prepared and signed by her majesty, and delivered to the earl of Strafford, her majesty's ambassador to the States General, wherein the said ambassador might be directed to represent to the Pensionary of Holland, and such others as should be appointed to confer with him, in such manner as is set forth in this article, or to the like effect: But he denies that the said instructions were prepared, signed, or delivered, by his advice. Nevertheless, the said earl believes the said instructions were well warranted by the truth of such facts as in the said article are set forth to be contained in those instructions; since the said earl hath had credible information, that, after her majesty had received an account of the sense of some persons in Holland, concerning the overtures made by France for the setting a general negotiation of peace on foot, very pressing instances were made on her majesty's behalf with the enemy, to explain the first offers made by M. de Torcy more particularly, and to form a distinct project of such a peace as they were willing to conclude; and that such instances had effect, will appear from the preliminaries, said to be signed by M. Mesnager, September 27th 1711, wherein several explications are made, and many particulars of moment are contained, which were not in the propositions of M. de Torcy. Wherefore the said earl apprehends, that the propositions mentioned in this article to be sent over to France (if any such were sent) were not so general as the propositions of M. de Torcy, nor in any respect ensnaring or destructive to the interests of Great Britain or the allies; but yet the said earl believes, that her majesty, at the same time she did communicate the said preliminaries to the States General, did likewise order her ambassador to acquaint them, 'That she judged those articles 'did not contain such particular concessions as 'France would be probably obliged to make in 'the course of the negotiations;' or to that effect. If therefore her majesty did, for the good and ease of her people, endeavour to prevail with her allies to enter into a negotiation of peace, and did communicate the said preliminaries to them with that view; the said earl cannot be induced to believe, that the said general preliminaries, communicated to the States by her majesty in manner aforesaid, were calculated to amuse and deceive them; nor doth the said earl know, or believe, that her majesty's instructions to her said ambassador, either in the particulars abovesaid or in any other, contained matters false, prevaricating, or evasive: and the said earl must take the liberty to affirm, that in the late negotiations of peace, as well as in all other public transactions of state, as far as he was concerned, he acted with the highest regard to the honour of her majesty, and with the utmost zeal, for the welfare both of her and her people; and is not conscious to himself, that he ever gave any counsels whereby the truth and sacredness, which ought to constitute and accompany the instructions of public ambassadors to princes in friendship and confederacy against the common enemy, were in any wise prostituted, or the honour of her majesty and of the imperial crown of these realms in any sort debased or betrayed. And he humbly hopes no instance can be given, wherein the royal hand of her late majesty was made the instrument to advance the interest of the common enemy

"In Answer to the Fourth Article, the said Earl doth not remember what representations were made by Monsieur Buys to her majesty, in relation to the propositions in the said article mentioned. But saith, that if any representations were made, the same were not rendered ineffectual by any influence of the said earl And the said earl doth admit, that, at a committee of council, there might be made some declaration in her majesty's name to M. Buys, to the effect in the said article mentioned, but doth not admit, that any such declaration was made by him the said earl, or by his management or contrivance; and the said earl believes, that what was so declared to the said M. Buys was agreeable to truth, and to the real sentiments and intentions of her majesty; nor doth he know, wherein the said article, signed by M. Mesnager, and accepted by the lord Dartmouth and Mr. St. John (if any such were then signed) were inconsistent with such declaration upon which her majesty was thereby

dishonoured, or [illegible] abused, or that any negotiation entered into with France was either dangerous in itself, or fatal in its consequences

"In Answer to the Fifth Article; the said Earl admits, that her sacred majesty queen Anne did, in due form of law, and under her great seal, constitute the right reverend John lord bishop of Bristol and the earl of Strafford, her plenipotentiaries, with full powers, to meet, treat, and conclude, with the plenipotentiaries of the confederates and those whom the French king should on his part depute for that purpose, the conditions of a good and general peace, that should be safe, honourable, and, as far as was possible, agreeable to the reasonable demands of all parties; and believes instructions were prepared and delivered to them, wherein they were instructed, among other things, to the effect in the said article set forth; and is firmly persuaded, that, when the said plenipotentiaries were so instructed to insist that Spain and the West Indies should not be allotted to the house of Bourbon, no treaty had been negotiated and agreed, that Spain and the West Indies should remain in a branch of that house; and he has reason to believe, that at the time when the said instructions were given to her majesty's said plenipotentiaries, there was just ground to believe that king Philip would be induced to abandon Spain and the West Indies, and content himself with the dominions of Savoy and the kingdom of Sicily; and he believes he may so far depend on his memory as to say, 'That he heard the late queen declare, she 'believed the prospect king Philip had of 'succeeding to the crown of France, would be 'an inducement to him to be easy with that 'allotment,' and it seemed probable, that the addition of the dominions of Savoy to the crown of France, in case king Philip should succeed to it, would be esteemed by the French court as a thing more to be desired by them, than that Spain and the Indies should remain in the possession of a younger prince of the house of Bourbon, under the condition of his renouncing the right he would have to the crown of France if the eldest branch should fail. These seem to him to have been her majesty's views at the time when the said instructions were given to the bishop of Bristol and the earl of Strafford: and he therefore believes that whoever contrived or prepared the same, did prepare them conformable to her majesty's real sentiments, and was far from any thought or design to abuse the royal authority, delude the States General, prejudice his imperial majesty or any of the allies, or carry on the measures of France. And if king Philip afterwards, upon information that the then Dauphin was likely to live, or at the pressing instances of the Spaniards and influence of Spanish councils, or upon any other motives, refused to accept of Savoy and Sicily, and chose rather to renounce the French monarchy; he thinks no person who acts in the service of the crown can be safe, if it may be charged on him as a crime, that he advised instructions, which, by intervening circumstances, afterwards became improper: but he the said earl doth not admit that he contrived or prepared the said instructions, or was consenting or advising to the contriving or preparing of them, or prevailed on her majesty to sign them; much less that he abused the royal authority to the delusion of the States General, or intended the prejudice of his imperial majesty or any of the allies, or was engaged to carry on the measures of France, or had, when the said instructions were prepared, negotiated or agreed with the ministers of France, that Spain and the West Indies should remain in a branch of the House of Bourbon, or had prevailed on her majesty to be party to any private treaty wherein the same is necessarily implied. If the plenipotentiaries were instructed, 'That 'in case the enemy should object, that the 'second article of the seven signed by mon-'sieur Mesnager implied the duke of Anjou 'should continue on the throne of Spain, to 'insist that those articles were binding to 'France, but laid neither the queen nor her 'allies under any obligation,' the said earl doth not apprehend how an instruction to her majesty's plenipotentiaries, to make a just answer to a false inference that might happen to be drawn by the enemy from the words of such an article, can be interpreted an entering into a confederacy or collusion with the ministers of the enemy; or that her majesty's consent to such instructions could imply any design to impose on his imperial majesty or the allies, or to conceal any negociations between Great Britain and France. But the said earl is confident it will not appear, by any of his actions, on the strictest scrutiny, that he ever entered into any confederacy or collusion with the ministers of the enemy, or prevailed on the queen to give her consent thereto, or had any designs to impose upon his imperial majesty or any of the allies, or ever was privy to any secret negotiations or separate treaty between Great Britain and France, whereby, either in the before-mentioned or in any other particulars, any reproach could be brought on the crown of these realms, or any treaties wherein her majesty was engaged to her allies were violated.

"In Answer to the Sixth Article; the said Earl doth admit, that after the conferences of peace between the plenipotentiaries of the allies and those of the enemy for negotiating a general peace were opened, wherein he is persuaded her majesty and her ministers did act in perfect confidence with the allies, in order to promote their common interest, and to obtain from the enemy all just and reasonable satisfaction, the progress of the said negotiation was delayed by debates concerning the enemies refusal to give their answer in writing to the demands of the allies; but he doth not

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know that any of the ministers of Great Britain did, by any encouragement or concurrence, contribute thereunto. And if during that time her majesty thought fit to authorize any of her ministers to write or negotiate upon any particular points relating to the peace, directly from England to France, in order to facilitate the general negotiation of peace, which he the said earl doth nor admit to have been done by his privity; yet he the said earl doth not apprehend that, by the constitution of the kingdom or any law in being, the queen was debarred from doing so; or that, by constituting the said plenipotentiaries, she had so far delegated to them her royal authority, as to be disabled, without revoking their commission, to treat or negotiate any matters conducing to that end, in such other manner as she should think fit. The said earl saith, That he did not advise, contrive or promote, any private, separate, or unjustifiable negotiation with France; nor doth he know any negotiation relating to the peace was carried on without communication thereof to the allies. And the said earl denies that he ever assumed regal authority, or that he treated of peace with France in any manner that could be liable to such imputation; or did promote the design of the enemy, to the destruction of the common cause of her majesty or of her allies, contrary to the laws or constitution of this kingdom, or in violation of any of the alliances her majesty stood engaged in, or of the assurances given by her majesty, or of her instructions to her plenipotentiaries; or that any terms of peace were by him at any time concerted, prejudicial to the interest of her majesty, or her kingdoms or allies, or whereby the good effects of the general negotiation were defeated.

"In Answer to the Seventh Article the said Earl saith, That he never advised her late majesty to accept of a treaty with France, on a supposition that the Spanish monarchy should continue in the possession of a branch of the house of Bourbon, nor did he advise or carry on any private or separate negociation with France, on the subject of a renunciation to be made by the duke of Anjou of the right he might have to the kingdom of France, and that such renunciation should be the security against the re-union of the two kingdoms; or that by his counsels her majesty was prevailed on to accept, and finally to conclude and ratify, a treaty of peace with France, wherein the said renunciation is taken as a sufficient expedient to prevent the mischiefs that threatened all Europe, in case the crowns of France and Spain should be united upon the head of one and the same person, nor doth he know that, during the said negociation, any such memorial as in the said article is set forth, was transmitted by the said monsieur de Torcy to any of her majesty's principal secretaries of state: but he the said earl doth freely acknowledge, that, if he had been called upon to give his opinion concerning the leaving of Spain and the West Indies in the possession of a branch of the house of Bourbon, and accepting the renunciation of his right to the kingdom of France by the duke of Anjou; he doth not at present see any reason why he might not have been of opinion for leaving Spain and the West Indies to the present possessor, and accepting the renunciation, rather than have continued the war, so burthensome to the people, and impracticable upon the foot on which it then stood; especially since all endeavours to remove him by treaties or force had so long proved ineffectual: and in case any such memorial as is set forth in the said article was sent by any minister of France to the secretary of the late queen, he should look upon the same as a proof of the earnestness of the court of France to avoid such renunciation, which might more effectually prevent all possibility of annexing the crown of Spain to that of France. But, whatever inducements might be for such a memorial (if any such was transmitted), the said earl doth affirm, that he never gave any counsels, by which the interest of the common cause could be betrayed into the hands of the enemy; nor doth he think it was possible, by any power and influence, to engage her majesty to become party with France in any deceit; but whatever credit he at any time had by her favour, he always used it, with the utmost sincerity, for her service and the good of her people."

"In Answer to the Eighth Article; the said Earl believes that her late majesty queen Anne did, on the 7th day of December in the year of our Lord 1711, recommend it from the throne, "That provision might be made for an early campaign, in order to carry on the war with vigour, and as the best way to render the treaty of peace effectual; and he doth believe that, in order thereto, supplies were granted, and magazines provided at a great expence, for an early campaign, and that in pursuance thereof, her majesty might send some general officers to explain her intentions to her allies; and likewise instructed her general the duke of Ormond to declare her resolutions of carrying on the war, and to concert with the generals of the allies the proper measures for entering upon action: and he doth believe that the confederate army was provided with all necessaries; but whether the said army had approached, or how near they had approached, to the enemy; whether they had any, or what superiority as to the number of troops; or what likelihood there was that they would have been able, either by battle or siege, to have bettered the affairs of the allies, or to have facilitated the negociations of peace, the said earl is not able to say: but it must be obvious to every one, that any miscarriage or disaster on the part of the allies, at such a juncture, must have been fatal to them; and though the divine assistance had been very remarkable in the many victories her majesty's forces had obtained, yet her majesty's piety was so great that it is not likely

she should, without the greatest necessity, have been willing to have tampted that Providence which had been so signal in her favour, by hazarding the blood of her subjects, at a time when she had so near a prospect of the conclusion of a peace: and the said earl believes it might be owing to this piety of the queen, and her knowledge of some important matters then depending, that directions were sent to the duke of Ormond (if any such were sent) to avoid engaging in any siege, or hazarding any battle, till further orders; which he supposeth her majesty might do upon any causes she thought proper, as well as the deputies of the States; who as the said earl hath been informed, have often refused to engage in siege or battle upon such ground as they alone thought fit, when their own generals and the generals of the other allies were of opinion they had a visible advantage of the enemy, and might engage in such siege or battle with great probability of success. But he doth affirm, that the ministers of France never represented to him, or to any others as far as he knows, during any negociation, any apprehensions they had from the bravery and good disposition of the confederate army; nor was he ever informed of any sure prospect, which, it is alledged the army of the confederates then had, of gaining new conquests over the army of France, or whereby they would have been enabled to have forced any better terms of peace than there was at that time likelihood of, but, on the contrary, he has been informed, that the forces of France were superior in number to those of the confederates, especially in horse. However, the said earl doth not admit that he did advise or consent that any order should be dispatched in her majesty's name to the duke of Ormond to the aforementioned effect; nor had he any view or design to disappoint the expectations of the allies, or to give success to any secret negotiations with the ministers of France. The said earl likewise denies that he did consent or advise that orders should be sent to the bishop of Bristol, one of her majesty's plenipotentiaries then at Utrecht, to declare to the Dutch ministers, 'That her majesty looked on herself, 'from their conduct, to be then under no ob'ligation whatsoever to them.' He doth not know what alarm the allies might take, or what representations they made to the bishop of Bristol of their dissatisfaction or consternation; but doubts not the said bishop would readily represent what they desired, though such representation made by his lordship, if any such there was, fell not under the knowledge of the said earl; nor doth he admit that any application of that kind was made to him. And in case the States General made such address directly to her majesty, by a letter of the 5th day of June, as in the said article is set forth; he the said earl, not being acquainted therewith, could neither advise her majesty to hearken to the instances therein made, nor to disregard or reject the same. He saith, he never entered into measures for the advancement of the interest of the common enemy; or countenanced, encouraged, advised, or promoted, any negotiations with France, without participation of the allies, or contrary to her majesty's engagement, or to the ruin of the common cause; nor is he conscious to himself that he ever gave any counsels, by which the progress of the victorious arms of the confederates was stopped, or any opportunity lost for conquering the enemy, or which had any tendency to destroy the confidence between her majesty and her allies, or make the French king master of the negotiations of peace; or which could put the affairs of Europe into his hands.

"In Answer to the Ninth Article, the said Earl denies he was privy or consenting to any concert with the ministers of France, for the separating the troops in her majesty's pay from the rest of the confederate army: and, not being privy to any such concert, he hopes it will not be imputed to him as any want of duty, that he did not advise against such a proceeding. He denies also that he ever entertained the least design of imposing upon the allies any necessity of submitting to the terms of France, or of leaving the confederate army to the mercy of the enemy: or that he did consent, or advise her majesty, that the duke of Ormond and the troops in her majesty's pay, or such of them as would obey his orders should separate themselves from the army of the confederates. The said earl hath been informed, and believes it to be true, that the imperial general and some other generals did propose to the duke of Ormond, in June or July in the year 1712, to decamp from the ground where they lay, and to proceed towards Landrecy, in order to form the siege of that place: and that the duke of Ormond thought it not proper to consent thereto, and gave notice to the said generals, 'that, if they 'decamped, they must not expect him to follow 'them.' And the said earl believes instances may be given, where generals of other potentates in the alliance have refused to comply with what has been proposed to them by her late majesty's general. The said earl hath likewise heard, that notwithstanding such notice from the duke of Ormond, the said generals separated themselves and their forces from the said duke, and marched towards Landrecy without him; and that the said duke continued for some time in his former camp after such separation; and that the generals of the auxiliary troops paid by her majesty, although required by the said duke of Ormond under whose command they then were, to continue with him and to obey his orders, refused so to do." He the said earl supposes it might proceed from her majesty's resentment of that instance of disobedience in the auxiliary troops to the commands of her general, that she did not think fit immediately to pay the arrears of those forces which had so obstinately withdrawn themselves from her general, and marched

without him towards Landrecy; as not apprehending herself obliged by any conventions, or the provision of any act of parliament, so to do. But, whatever might be the causes or occasions of her majesty's resentment, the said earl saith, that he, being in the office of high treasurer under her majesty, could not by the duty of his place, issue out any monies without a proper warrant or authority from her majesty: and denies that he ever received any warrant or authority from her majesty for issuing any sum or sums of money, for or towards the pay or subsidies on account of the said foreign troops who had so separated; without which, the issuing or directing any monies for the payment of them had been a violation of his duty. And the said earl denies that he did at any time refuse or put a stop to any such pay or subsidies; but, on the contrary, when the ministers of the princes, to whom those forces belonged, did apply for the payment of the said troops, the said earl desired them to make application to her majesty for the necessary warrants, in order thereunto. And as the said earl had no notice of any separation intended between her majesty's forces and those of the allies before the same was made; so he absolutely denies that, by his advice or counsel, or with his privity, any such separation was made, and humbly apprehends, that he ought not in justice to be charged with any consequences of it. He believes that the forces of some of the allies were engaged in the unfortunate action of Denain; and that the siege of Landrecy was raised, and the towns of Quesnoy, Bouchain, and Douay, were some time after re-taken by the French army. But whether those disasters might not have been prevented by a compliance with the measures her majesty had taken for the common good, the said earl submits to your lordships.

"In Answer to the Tenth Article; the said Earl denies that he did carry on or concert with the ministers of France a private or separate negotiation for a general suspension by sea and land between Great Britain and France; or that he did advise her majesty to send over Henry viscount Bolingbroke to the court of France, with powers to settle such suspension; but hath been informed, and believes it may be true, that, about the 19th of August, N. S. 1712, a suspension of arms was agreed on in France, by the said viscount Bolingbroke on her majesty's part, for four months: but whether such agreement was made without the knowledge or participation of her majesty's allies, or how far the terms of peace were then settled with France, either for Great Britain or the allies, the said earl is not able to set forth; but, from the informations he hath received of that affair, believes it will appear that the said suspension was a continuation only of a former agreement for a cessation of arms, which had been not only communicated to the allies, but into which they had been invited; and believes her majesty might be induced to desire such cessation, as what was usual amongst princes and states in war, during negotiations of peace, by which means the British merchants enjoyed a free trade, and had an opportunity of carrying the merchandizes of other countries to several parts of Europe, as the Dutch had done during the war: And therefore the said earl doth not conceive that her majesty, by the said suspension, did in the least intend the violation of any treaties between her and her allies, or to deprive them of any assistance to which they were entitled, or expose them to the insults of the common enemy; nor doth he discern how these consequences could ensue, without the default of the allies themselves; much less how the ties of union and friendship between her majesty and them were cut asunder, or her majesty's person or government, or the safety of her kingdoms, or the protestant succession, were exposed thereby: but the said earl assures himself, that he shall never stand chargeable with any consequences of such suspension, which he never advised; nor did he the said earl ever entertain the least thought or design of occasioning the destruction of the common cause of Europe, or hindering her majesty from resuming the war against France in conjunction with her allies, if it had been so thought fit or of weakening the union between her majesty and them.

"In Answer to the Eleventh Article; the said Earl saith, he believes it to be true, that, in or about the months of September or October 1712, the States General were in possession of the town and fortress of Tournay; and that her majesty, in her instructions of December 23, 1711, to her plenipotentiaries at Utrecht, did direct them to insist with the plenipotentiaries of France, in the general Congress, 'That 'towards forming a barrier for the States Ge-'neral, Tournay should remain to the States;' and doth believe the French king did at one time include thereunto; but doth not know that her majesty, in her speech in the said article mentioned, did declare herself as in the said article is set forth. The said earl admits that, until and after the months of September and October 1711, there was open war between her late majesty and the French king, and that during such war the French king and his subjects were enemies to the late queen: but the said earl hath been informed, and believes, that full powers were given by her majesty and the States General of the United Provinces to their respective ministers, and by the French king to his ministers, to negotiate and treat of peace between her majesty and the States General and the said French king, upon which negotiations a peace was afterwards concluded between them; during which negotiations, he hath heard that the French king did insist upon the yielding up the town and fortress of Tournay, by the States to him; and the said States General desired her majesty's interposition with the French king on their behalf; and

that, at such request, her majesty interposed her best offices on behalf of the States General; and did at last prevail, that the said town and fortress of Tournay should be (and he believes the same is) continued to the States General, as part of their barrier. But the said earl absolutely denies that he did design to give aid or succour, or to adhere to the French king; or that he did in or about the month of October 1712, or at any other time during the said war, aid, help, or assist, or adhere to the said French king; or that he did ever counsel or advise the said enemy, in what manner, or by what methods the said town and fortress of Tournay, or either of them, might be gained from the States General to the French king, in manner and form as in the said article is charged: On the contrary, he the said earl did use his best offices to preserve the said town and fortress of Tournay to the States General But the said earl saith, that, during the negotiations of the late peace, he had the honour to be one of her said late majesty's privy council, and whatever counsel or advice he gave relating to any terms of the said peace, he acted therein as a privy counsellor and minister of state, and no otherwise; and doth insist, that for any privy counsellor, or minister of state, during the negotiations of peace, to advise or negotiate concerning the yielding or giving up any town, province, or dominion, upon the conclusion of the peace, as part of the terms and conditions of such peace, is not high treason by any law of this realm; and that such construction might hereafter deprive the crown of the advice and assistance of several members of the privy council in matters of the greatest importance, by deterring them from giving such advice as by their oaths and the duty of their place they are obliged to do; would overthrow all means of restoring amity between princes, and render the law in case of high treason uncertain (which by reason of its being the most penal, ought to be most plain); and would be highly dangerous and destructive to the lives and liberties of the subject.

"In Answer to the Twelfth Article; the said Earl, not admitting that her late majesty queen Anne stood engaged by treaties in manner as in the said article is alledged; but referring himself to the treaties when they shall be produced; for answer, denies that he did in any of the years 1710, 1711, and 1712, or at any other time, aid, help, assist, or adhere to, the duke of Anjou in the said article named; or advise or counsel any of the enemies of her said late majesty, or concert with any of them, or promote the yielding or giving up Spain and the West Indies, or any part thereof, to the said duke of Anjou, in manner and form as in the said article is alledged And the said earl saith, as in his answer to the eleventh Article he hath already said, that during the negotiations of the late peace, he had the honour to be one of her said late majesty's privy council; and whatever counsel or advice he gave relating to any terms of the said peace, he acted therein as a privy counsellor and minister of state, and no otherwise; and insists as in his answer to the eleventh Article he has insisted.

"In Answer to the Thirteenth Article; the said Earl admits, that the flourishing condition of trade and navigation contributes much to the riches, power, and strength, of these kingdoms; and believes that her late majesty had a just regard thereto, and a sincere desire to obtain some advantages therein for her people; and did make the several declarations from the throne, set forth in this Article, and that both houses of parliament did from time to time express their grateful acknowledgements to her majesty, for the great care and concern for the welfare of her people; and believes her majesty might think it reasonable, considering the share and burden she and her people had sustained in the war, that France should in the first place adjust the interests of Great Britain, which were to be secured on the conclusion of a general peace; but the said earl doth not know, or believe, that, at the setting on foot, or in the progress of, any negociation between the ministers of Great Britain and France, it was laid down as a principle, that France should in the first place consent to adjust the interests of Great Britain, to the intent that the ministers of Great Britain might thereby be enabled to engage the queen to make the conclusion of the peace easy to France; nor doth he know that any concessions were made by the ministers of Great Britain with intent to promote the interests of France against the allies; or that any measures were entered into or concerted between them, in order to strengthen the hands of the French, or to enable them to impose the terms of a general peace: and the said earl doth absolutely deny that he was engaged in concert with France, in any negotiation destructive to his country; or that he ever had the least imagination or thought tending that way, or to the sacrificing the commerce of Great Britain to the aggrandizement of France; but, on the contrary, he hath always had the most real and sincere desires to secure and advance the commerce of Great Britain, and to preserve his country; in whose service he hath been always ready to sacrifice himself and every private interest whatsoever. And the said earl is not conscious to himself of any want of duty, either in not insisting upon, or not procuring, the most certain securities that could be obtained, for the safety and advantage of the commerce of these kingdoms; and the said earl doth not admit, that he did advise her late majesty that any propositions should be sent by Mr. Prior to France; or that any private or separate treaty, or the preliminary articles, which are said to be signed the 27th day of September 1711, should be signed; but the said earl hath been in-

formed and believes, that in a paper, intitled, 'The Answer of France to the demands of 'Great Britain more particularly,' it is said, 'That the entire restitution of Newfoundland 'and of the Bay and Streights of Hudson 'was demanded for the English;' and that the French king's answer was, 'That the discussion of that article should be referred to 'the general conferences of the peace, provided the liberty of fishing and drying of 'codfish upon the Isle of Newfoundland should 'be reserved to the French.' and the said earl conceives that paper not conclusive; but was to be the subject of future conferences, wherein the whole matter might be entirely considered; and consequently, that the entering into conferences on that paper, was not the yielding to the French liberty of fishing and drying fish on Newfoundland, which they insisted on: and the said earl denies that he advised the demands of Great Britain, in point of commerce, should be made in loose, general or insufficient terms; or that he advised the liberties insisted on by the French should be given up to France, as in the said article is alledged. and he believes, that when it is considered what advantages were likely to ensue to the commerce of Great Britain, by the Assiento contract and the liberty of trading to the Spanish West Indies, by the cession of Accadia, the Bay and Streights of Hudson, the Island of St. Christopher, Newfoundland, the Island of St. Peter, with other adjacent islands, by the demolition of Dunkirk, and the cession of Port Mahone and Gibraltar, it will not be thought the commerce of Great Britain was neglected by her majesty in the late treaties of peace; and as the said earl doth not know that France was at any time master of the negotiations; so he denies that he did engage her majesty in any private treaties with France without security for the commerce of Great Britain; or that he did contrive, with any of the ministers of France, to keep in suspense any matters that concerned the said commerce; or that he was any ways instrumental to the preventing any advantages of the said commerce from being settled, or that he endeavoured to elude any thing that had been agreed on in any negotiations for the benefit of Great Britain. And although the said earl doth not admit that he advised the ninth article of the treaty of commerce with France; yet he begs leave to observe, that nothing is positively stipulated in that article; but the whole is conditional, and left to be determined by the wisdom of parliament. and hopes it will never be thought an act of treachery, to refer any article of any treaty to the judgment and consideration of parliament, whatever judgment the parliament shall think fit to make thereon. And the said earl denies that he advised her majesty to agree with France, that the subjects of France should have the liberty of fishing and drying fish on Newfoundland; but the said earl believes, that what her late majesty agreed with France, relating thereto will not seem unreasonable, if it be considered that the French long ago claimed a right to, and were in possession of, great part of Newfoundland; and that they were allowed to continue in possession thereof by the crown of England, in a treaty made at Whitehall, in the year 1686, and in another treaty made at Ryswick in the year 1697: and the said earl doth not know that such agreement of her majesty is contrary to the express provision of any act of parliament; since, he presumes, the act made in the 10th and 11th years of the reign of king William the Third, intitled, 'An Act to encourage the Trade of 'Newfoundland,' cannot reasonably be intended or construed to extend to any part of the island, other than what was at the time of making that act in the possession of the English; and the said earl is informed, that at that time the part of Newfoundland, where the subjects of France are, by the treaty of Utrecht, allowed the liberty of fishing and drying fish, was not in the possession of the English. The said earl denies that he advised her majesty to make a cession to France of the Isle of Cape Breton; or that he advised her majesty to consent that what is agreed in the treaty of Utrecht concerning the fishery of Newfoundland or Cape Breton should be made an article in that treaty: however, the said earl doth not know that Cape Breton was part of the territories of the crown of Great Britain, nor doth he apprehend that her majesty, who, in her speech from the throne, declared, 'That France had consented to make 'an absolute cession of Annapolis, with the 'rest of Nova Scotia or Acadie,' should be understood to speak of Cape Breton, which is no part of that continent, but an island distinct from it. The said earl further saith, he conceives that the only advantages in trade stipulated for Great Britain did not depend on conditions to be made good by act of parliament; on the contrary, he doubts not to make it appear, that many advantages in trade were stipulated for Great Britain in the late treaties of peace and commerce, which have been enjoyed by the subjects of Great Britain since the conclusion of the said treaties, notwithstanding the parliament has not thought fit to make any act to enforce the ninth article of the treaty of commerce with France, and the said earl denies that by his counsel the good intentions of her sacred majesty to have obtained for her people advantageous terms of commerce were frustrated, or the trade or manufactures of Great Britain rendered precarious or at the mercy of the enemy, or any beneficial branch of trade yielded up to the subjects of France. And as the said earl disowns the being concerned in any violation of treaties, or in carrying on the measures of France, or in any negotiation which could terminate in the sacrifice of the commerce of Great Britain to France; so he observes with great satisfaction the flourishing condition of the trade and navigation of these kingdoms, since the conclusion

and by means of the late peace, in the great increase of the number and tonnage of shipping, of the exportation of the woollen manufactures, the fish, and other produce of this kingdom; in consequence whereof, the customs have been greatly advanced, near three millions of gold and silver hath been coined, and the exchange has been all along in favour of England to and from all parts of Europe.

"In Answer to the Fourteenth Article; the said earl doth not admit that he formed any project or design for disposing the kingdom of Sicily to the duke of Savoy from the House of Austria, or that he did advise her majesty to give any such instructions to Henry viscount Bolingbroke as in the said article mentioned, or to consent to any treaty wherein a cession is made of the said kingdom to his royal highness, without any concurrence or participation of his imperial majesty: nor doth he admit that her majesty was prevailed on by his advice to assist his said royal highness with her fleet against the emperor, in order to obtain the possession of that kingdom; but, in justification of her majesty's proceedings in relation to the said kingdom, the said earl doth beg leave to observe, that, by the grand alliance it was agreed, among other things, 'That the confe-'derates should use their utmost endeavours 'to recover the kingdom of Sicily out of the 'hands of the enemy:' and that the principal ends for the endeavouring the recovery of Sicily were, 'That his imperial majesty 'might have a reasonable satisfaction for his 'pretension to the Spanish monarchy: and that 'the trade and navigation of the subjects of 'Great Britain and Holland might thereby be 'better secured.' since, therefore, the empire and hereditary countries of Austria were now fallen to Charles the third, who at the time of that treaty, was a younger branch of that House; since several towns in the French Flanders, which were not in the possession of king Charles the second at the time of his death, together with Spanish Flanders, Milan, and Naples, might seem a reasonable satisfaction for his imperial majesty's pretensions to the Spanish succession; and since the trade and navigation of the subjects of Great Britain and Holland would be as effectually secured by the disposition of the kingdom of Sicily to the duke of Savoy, as if the said kingdom had fallen to the share of the emperor; and greater difficulties would be likely to arise in obtaining the disposition thereof to the house of Austria than to that duke, inasmuch as king Philip might be more easily induced to yield it to the duke of Savoy than to so potent a prince as the emperor; and there were grounds to believe that all or most of the princes and states of Italy were so apprehensive of the growing power of the House of Austria in Italy, that they would suffer any extremities, rather than submit that Sicily, together with Milan and Naples, should be in the hands of the emperor; the said earl doth not discern how any project to dispose the said kingdom to that duke could be thought unjust, dishonourable or pernicious, or an act of injustice to his imperial majesty, or violation of the grand alliance, nor doth the said earl remember in what respect it was contradictory to any declaration of her majesty, or the instruction she had given her plenipotentiaries: and in case her majesty thought fit afterwards to employ any part of her fleet to assist that duke, her good and faithful ally, to take possession of that kingdom from the enemy, in consideration of the said duke's steady adherence to the confederacy and great sufferings by such adherence, he the said earl is not able to discover why such assistance might not be given to the said duke, as well as to any other of her allies whatsoever: and since it is allowed by this Article, that the then duke of Savoy never made any application in order to obtain the said kingdom for himself; it seems an evidence, at least, that the person or persons who advised the late queen to agree to such allotment did not act upon any private interest; or had any other view than the preservation of a balance of power in Europe, and the security of the trade and navigation of the subjects of Great Britain and Holland; and cannot reasonably be thought, upon a fair and candid interpretation, to have been guilty of betraying the national faith or honour of the crown, or employing the naval power of these kingdoms, or the supplies granted by parliament, against any ally of this kingdom.

"In Answer to the Fifteenth Article; the said Earl saith, he is and always was of opinion, that the word of the sovereign is sacred: and that all communications from the throne to parliament ought to be true; and that it becomes all ministers of state, as far as in them lies, to maintain the honour of the crown, in such cases, with the utmost exactness: nor doth the said earl know that he hath at any time been defective in his duty in this particular, or ever took upon himself any arbitrary or unwarrantable authority, much less the chief direction and influence in her majesty's councils; nor did he ever prostitute the honour of the crown, or dignity of parliament, by misrepresenting any part of the late negociations of peace, to deceive either her majesty, her allies, her parliament, or her people: nor did he ever prepare, form, or concert, or advise her majesty to make, any speech or declaration from the throne to her parliament, that was not conformable to truth. He believes her majesty might make several speeches from the throne, to her parliament, at the several times in the said Article mentioned, to which the said earl refers; and particularly, that her majesty did, on the 7th day of December 1711, declare, 'That her allies, 'especially the States General, had, by their 'ready compliance for opening a treaty of a 'general peace, expressed their confidence in 'her.' But the said earl, not admitting there

were such representations as suggested in this article, begs leave, in vindication of the honor of his royal mistress, who was a princess of strict piety and truth, to observe, that the States General sent over M. Buys to her majesty, with letters full of assurences of their respect for her persno, and their resolutions not to separate themselves from her; and likewise signified by him to her ministers, their readiness to concor with her majesty; and the said M Buys immediately upon his arrival at London, delivered passports for the French ministers to come to Utrecht; and at a meeting of several lords of the council, shewed his approbation of sending circular letters to invite the rest of the allies to the general Congress: and the said M. Buys exhibited full powers for preparing and signing a new treaty, whereby her majesty and the States should be mutually engaged to each other in making war and peace, to guaranty the peace when made, and to invite the rest of the allies into such guaranty. All which matters and transactions being previous to the 7th of December 1711, her majesty might justly regard the aforesaid authentic acts and assurances as greater proofs of the confidence the States had in her, and of their readiness to concor with her, than any representations or reports before that time; and that she said declaratioo of her majesty from the throne was founded upon the strictest truth. And the said earl believes, that every one who impartially considers the steps taken in the late negociations of peace, the length of the treaty, the several letters from one of her majesty's principal secretaries of state to her plenipotentiary at Utrecht, the ratification of the engagement signed by her ministers and M. Buys the 18th of December 1711, and her exhorting the States to ratify the same; her pressing instances to the princes and states of the empire, and the many other acts which were done by her majesty's orders, during that transaction, for the service and satisfaction of her allies; will readily acknowledge, that her majesty did her utmost to procure for her allies, and in particular for his imperial majesty, all reasonable satisfaction, and to unite with them in the strictest engagements to render the peace secure and lasting, agreeable to her speech of the said 7th day of December, and her message of the 17th of January following, in this article mentioned. and if, by any extraordinary demands or groundless jealousies of any of the allies, or other accidents, her majesty was not able to obtain for them all the advantages she desired, this will not derogate from the truth and sincerity of her majesty's expressions; and it is evident her majesty did procure them so great satisfaction, that the allies did all sign the peace at the same time with her majesty, excepting only the emperor; and even his interests were so far adjusted, that what remained in dispute was not thought of consequence sufficient to delay so great and good a work; and it is well known the emperors of Germany have frequently declined signing their treaties of peace at the same time with their allies: but that her majesty was inducod by any influence of the said earl to enter into any negociation with France, exclusive of her allies, or that the said earl carried ao any such negociation; or that the interest of the said allies, or io particular of the emperor, were, by any practices of his, given up to France, he utterly denies And when it is considered, that much British blood and treasure had been spent to recover Spain and the West Indies from the house of Bourbon: that an expensive war had for many years continued, which her majesty still supplied with new recruits and redoubled expence; that her armies, and those of the allies, had been beaten in Spain: that prince Eugene had declared, 'That 40,000 men 'and 4,000,000 of crowns per annum, would 'be necessary for carrying on that war, and 'that his master could supply no more than a 'fourth part of that charge,' that it was found, by long experience how averse the people of Spain in general were to submit themselves to the house of Austria; that her majesty discerned the charge of renewing the war in Spain would be a burthen too great for her subjects, and that there was little probability of its being successful: that the hereditary countries were then, by the death of the emperor Joseph, falleo to king Charles, who was soon after chosen emperor (by which event the interests of the princes and states of Europe were changed); it cannot be doubted but that her late majesty had, at the time when she made the aforesaid declaration, done her utmost to recover Spain and the West Indies by force of arms: and the most she could do afterwards was by way of negociation, wherein she insisted with that earnestness on king Philip's quitting Spain, that France complied with her majesty's proposals: but when king Philip could not be prevailed on to give up Spain, her majesty thought his renunciation of the crown of France, as circumstances then stood, the most practicable, if not the only method left, to prevent the union of those two marches. But the said earl doth not think it probable, that the leaving Spain and the West Indies to the house of Bourbon was the foundation of the preliminary articles signed by M. Mesnager, and of the declaration annexed, which had been signed by the lord Dartmouth and Mr. St. John, with her majesty's consent, (and which the said earl supposes is what is called the private treaty in this article), since he believes it was then thought more likely that the crown of Spain might fall to some other prince. And the said earl doth not observa how her majesty can be charged with uttering any falsity in her message of the 17th day of January, wherein she takes notice how groundless the reports were, that had been spread, of a separate peace being treated; for which report there was not then, nor at any other time, the least foundation; and only some few points were adjusted relating to the particular interests of her own kingdoms, and even these were to their advantage and honour

and [illegible] were to their honour and effect but

upon the conclusion of a general peace, and were likewise, before such conclusion, communicated to the allies. And the said earl denies that thenceforth, or at any time, there was carried on by him any separate measures with the ministers of France, nor doth he conceive that the proposal about the renunciation was merely speculative; but that it was of such a nature, as would execute itself, and keep the crowns of France and Spain more effectually divided than ever; if it be considered, that it did not consist only in a renunciation to be made by Philip, then in possession of the crown of Spain, of his contingent right to that of France, but that there was a rule to the crown of France thereby given to the duke of Orleans, and after him to the rest of the princes of the house of Bourbon, who could not be presumed to want the will, nor would be likely to want the power, to take possession of the crown of France, by virtue of such title, in opposition to a prince at such a distance, and who had solemnly renounced all his pretensions to it: nor can the said earl think the declaration of any minister of France against such expedient (if any such there was made) a sufficient ground for her majesty to decline it. The said earl therefore must beg leave to repeat, that he is not able to discover, from any thing that appears in those speeches, that, in the particulars aforementioned, or any other, the essential points relating to peace and commerce, or which concerned the interests either of her allies or Great Britain, were misrepresented by her majesty: nor doth he know or believe, that any instance can be given wherein he abused the favour of his royal mistress, to whom he did always bear and pay the most sincere veneration and duty; or wherein he did mislead her parliament into any groundless or fatal resolution, or prevented their advice to her majesty, or obtained their approbation to any dangerous practice; or whereby her majesty could be ever deprived of the confidence of her allies, or exposed to contempt.

"In Answer to the Sixteenth Article; the said Earl doth insist, that, by the laws and constitution of this realm, it is the undoubted right and prerogative of the sovereign, who is the fountain of honour, to create peers of this realm, as well in time of parliament, as when there is no parliament sitting or in being; and that the exercise of this branch of the prerogative is declared, in the form or preamble of all patents of honour, to proceed 'ex mero motu,' as an act of mere grace and favour; and that such acts are not done, as many other acts of a public nature are, by and with the advice of the privy council, or as acts of pardon usually run, upon a favourable representation of several circumstances; or upon reports from the attorney general, or other officers, that such acts are lawful or expedient, or for the safety or advantage of the crown; but flows entirely from the beneficent and gracious disposition of the sovereign. He further saith, that neither the warrants for patents of honour, the bills or other engrossments of such patents, are at any time communicated to the council or the treasury, as several other patents are; and therefore the said earl, either as high treasurer or privy counsellor, could not have any knowledge of the same: nevertheless, if her late sacred majesty had thought fit to acquaint him with her most gracious intentions of creating any number of peers of this realm, and had asked his opinion, whether the persons whom she then intended to create were persons proper to have been promoted to that dignity, he does believe he should have highly approved her majesty's choice; and doth not apprehend that, in so doing, he had been guilty of any breach of his duty, or violation of the trust in him reposed, since they were all persons of honour and distinguished merit; and the peerage thereby was not greatly increased, considering some of those created would have been peers by descent, and that many titles of peers were then lately extinct: and the said earl believes many instances may be given, where this prerogative hath been exercised by former princes of this realm in as extensive a manner, and particularly in the reigns of king Henry 8, king James 1, and his late majesty king William. The said earl begs leave to add, that in the whole course of his life, he hath always loved the established constitution; and in his private capacity, as well as in all public stations when he had the honour to be employed, hath ever done his utmost to preserve it, and shall always continue so to do.

In ANSWER to the further ARTICLES of IMPEACHMENT exhibited against the said Earl.

"As to the First of those Articles he saith, That he believes, in or about the month of January 1710, an expedition was projected, for making a conquest of the city of Quebeck, on the river of St. Lawrence, Canada or other possessions of the French king, in North America; but denies he advised her majesty either to consent to the making such expedition, or to give orders for detaching any battalions of the forces in her majesty's service in Flanders, or to send any such battalions or any squadron of men of war on the said enterprize: but having heard that the said project, or some expedition of the like nature, had been some time before considered in a committee of council, and afterwards laid aside for that time; and not being fully apprised of the whole project, nor so well versed in the affairs of that part of the world as others who had more opportunity of knowing them, and lest the expedition might not at that time prove so feasible or advantageous as others of better knowledge in those matters than himself did expect; he did all that he apprehended his duty required to prevent the putting the same into execution, and expressed his concern at it to some persons about the queen; and, having so far shewn

his opinion of the said design at that time, believes it would not have been thought proper for him to have appeared at the meetings, where the methods only of carrying on the expedition were to be adjusted; of which meetings there had been but few before a misfortune befel him, which confined him to his bed. But the said earl denies that he knew the said expedition was dangerous and destructive; nor did he hear that it was laid aside formerly, by a committee of council, as dangerous or impracticable, but only as improper in the circumstances of affairs at that time; nor doth the said earl know, or believe the said expedition was set on foot with any design to promote the interest of the French king or to weaken the confederate army in Flanders, or to dissipate the naval forces of this kingdom: and when others of her majesty's council, better acquainted with that affair, did judge it to be proper and practicable, he did not think it became him, upon the strength of his own single judgment, further to oppose an expedition, which, if it had succeeded, most certainly would have given a great and sensible blow to the settlements and trade of France in that part of the world. And the said earl, with good reason, is persuaded your lordships will not think it unfit that her majesty should take the opinion of those who better understood affairs of that nature, or that your lordships can judge the said earl in that respect to have been wanting in his duty to her majesty; but hopes it will be rather an evidence of his fidelity to the queen and his country, that he so far discouraged what, in his own judgment, he was diffident of: however, he is satisfied that those of her majesty's council who did approve the expedition acted therein with a sincere desire for the public good, notwithstanding the ill success it was attended with; which might chiefly be owing to delays by contrary winds, and other unforeseen accidents: and he doth not believe that her majesty's allies did suffer any prejudice, or the common enemy receive any advantage, by the detaching of forces from Flanders to serve on this enterprize; and is informed, that, to prevent any such danger, her majesty's general who commanded at that time in Flanders had orders for providing other forces in their place, if he judged it necessary. And the said earl doth acknowledge, that the sum of 28,000*l.* or thereabouts, was demanded at the treasury, about June 1711, on account of arms, accoutrements, goods, and merchandize, said to be sent on the said expedition to Canada: But he saith, that he was so far from advising her late majesty that the said sum should be issued and paid, that, on the contrary, he put a stop to the payment of the same, and he had done all he could at that time to examine into the expenditure of the said money: But being then high treasurer of Great Britain, and having received her majesty's orders to pay the said sum, and not being able, with his utmost precaution, than to discover any just cause why it should not be paid, he did afterwards, in obedience to those orders, and according to the duty of his place, countersign a warrant to the pay-master of her majesty's forces for the payment of the same, pursuant to which, he believes, the same was issued and received. And as to that part of the said article which charges the said earl with employing his arts or credit to keep the House of Commons from examining that affair: he begs leave to say, That (whatever suspicions he might entertain in his own mind) he did not, upon examination, find that there was sufficient proof to justify the laying them before either House of Parliament: And although he hath been informed that the papers relating to that expedition were laid before the last, and have been all along in the power of the present, House of Commons; yet he hath not heard that any fraud hath been made out in that affair, notwithstanding the gentlemen who had them under their inspection, neither wanted ability to make the utmost discoveries, nor could he supposed to be prevented therein by any influence of the said earl; and he hopes it will not be imputed to him as a fault, if he had used any skill or credit to keep the House of Commons from examining this affair at that juncture, when by an unseasonable inquiry, before a proper proof could be had, the fraud (if any such there were) would be likely for ever to escape unpunished; But the said earl denies that he ever exercised or had any arbitrary power or influence, either in her majesty's private council or the great council of the nation; or entertained any design to prevent the justice due to the queen or the nation; or that any discovery had been made to him, further than what might give suspicion to one who was always jealous (as became him) of any misapplication of the public treasure. And the said earl saith, that he is not conscious, that, by any letter or memorial to her majesty, he hath acted contrary to his duty; but humbly hopes he may be allowed to observe, that it would be a matter of particular hardship, and what seems to him inconsistent with the rules of government, and without precedent, if the most secret and intimate papers and letters, wrote to that most renowned and pious princess her late majesty, by her own special command, and for her own private perusal, should be imputed to any as a crime: And if any quotation from any such letter or paper could be alledged against the said earl, he doubts not but there might appear, from other of her majesty's private papers, what would justify him in many particulars wherewith he is charged, and would give further proof (if it were needful) how tender and affectionate her majesty was to all her subjects.

"In Answer to the Second Additional Article; the said Earl doth admit, that, about October 1711, her late majesty did sign a warrant directed to him, then her treasurer of Great Britain, for the issuing and payment of the sum of 18,000*l.* to John Drummond, esq; in the

Article named: and that, on or about the 24th of November following, in pursuance of the said warrant under her majesty's sign manual, he the said earl did sign a warrant for the payment of the said 13,000*l.*; but, for more certainty, begs leave to refer to the said several warrants, when the same shall be produced. And the said earl takes the words ["for special services of the war"] to have been inserted by mistake of the clerks, for he absolutely denies that he gave any direction for those words, or any other of like import, to be inserted; and he believes all the clerks of the treasury know, that the monies which arose from the sale of tin, were the queen's proper money, for the support of her household, and such occasions as she should please to direct, and not appropriated to the services of the war; although sometimes it hath been practised, that loans have been taken upon tin tallies, for the services of the war, and other public services, and afterwards re-paid to the civil list, which might possibly give occasion for such mistake. And the said earl saith, that, having been acquainted with the services the said Mr. Drummond had performed, by order of the late earl of Godolphin, in borrowing money upon tin at a low interest, the said earl asked Mr. Drummond's consent, that a sum in tin tallies might be struck in his name; and, with such consent, did direct that orders amounting to the sum of 13,000*l.* should be charged in the register of the exchequer, on the monies arising by the sale of tin, in the name of the said Mr Drummond, who afterwards, before his going to Holland, indorsed the said orders at the said earl's request, and left them in the treasury; but how long it was before the said orders were indorsed, or how long they remained afterwards in the treasury, the said earl doth not particularly remember; but doth acknowledge, that the said orders and tallies came afterwards to his own hands, and were disposed for his own use. But, in order to lay the true state of this affair before your lordships, the said earl humbly represents, that, upon his first attending the late queen after his being wounded, her majesty had the goodness to tell him, 'That she 'designed him a sum of money;' Upon which, he represented to her majesty the bad condition of her civil list But several times after, her majesty asked him, 'Why he did not find 'a way for receiving the money she intended 'him, and bring the necessary warrants for that 'purpose?' He still urged the same reason against it; and for near six months made no step in it; till at last her majesty was pleased to say, 'She was resolved to have it done' And as her majesty had, in matters of her bounty, made use of tin tallies for other persons, she was pleased to mention the same herself; and ordered proper warrants to be prepared for the sum which her majesty of her royal bounty intended him. That, after her majesty had so positively signified her royal pleasure to bestow such mark of her favour upon the said earl, the said tallies and orders were struck, in Mr. Drummond's name, with her majesty's knowledge, and at the said earl's nomination; and from that time the same were kept under the said earl's direction, for his use; and the said earl was advised, that nothing further was requisite to be done, after the assignment of the said Mr. Drummond, for securing the said earl's interest in the said tallies, till an accident happened, which made it necessary, for further security, to have the said warrant, as a declaration of trust; which was accordingly signed by her majesty, and is to the effect following 'A. R. Whereas, in 'the year of our Lord 1711, in consideration 'of the many good, faithful, and acceptable 'services, which before that time had been 'performed unto us, by our right trusty and 'right well-beloved cousin and counsellor Robert earl of Oxford (then and now our high 'treasurer of Great Britain), which services 'have tended to the quiet, safety, and prosperity, of us and our realms, though the same 'were accompanied with great difficulties upon 'himself, and hazards to him and his family; 'and particularly reflecting upon the impious 'attempt made upon his life; we did then 'fully resolve, as a particular mark of our favour, and of our gracious acceptance of the 'said earl's services, to bestow upon him a sum 'in ready money: But the said earl representing to us, that the arrears then due to our servants and tradesmen, chargeable upon our 'civil list, were very great and pressing; We 'did therefore agree and determine, that the 'said earl should have to his own use the several sums amounting to 13,000*l.* comprized 'in certain orders of him, bearing date on or 'about the 11th day of December 1711, in 'your name, and charged upon the register in 'our exchequer, on the monies arising by sale 'of our tin; which orders are not yet in course 'of payment. Now we do hereby declare and 'make known, that the said several sums, 'amounting to 13,000*l.* contained in the said 'orders, and the interest thereof due and to be 'due, are, and shall be the proper monies of the 'said earl of Oxford, and we do hereby direct 'and authorize you to transfer and assign the said 'orders and the whole right and benefit thereof to the said earl and his assigns, or to such person or persons as he shall appoint in that behalf: 'and in case any the monies due or to be 'due or payable, upon the said orders, shall 'come to your hands, in such case, our pleasure is, that you forthwith pay over the same 'to the said earl, his executors, administrators, 'or assigns, to his and their own use and 'behoof, without any accompt to be thereof 'rendered to us, our heirs or successors; and 'this our warrant, or an attested copy thereof, 'shall be your sufficient warrant and discharge 'for so doing. Given at our court at Windsor 'Castle, the 14th day of December, and the 13th 'year of our reign, A. D. 1713. To our trusty and 'well beloved John Drummond, esq.' And the said earl believes the said warrant was drawn by Mr. Lowndes, secretary to the treasury; and

by what means the same was omitted to be entered in the treasury, he knows not: but, upon hearing there was a discourse about that said 13,000*l.* in tallies, he sent a copy of the said warrant to the officers of the treasury, without signifying any desire to have the same entered; well knowing it received its authority from the sign manual, which wanted no additional force from any entry thereof in the treasury books. And the said earl saith, That her majesty was pleased, of her mere goodness and bounty, and of her own free will, to give him the said sum of money, in reward of his faithful services, and for his sufferings in her service. And the said earl saith, That the said grant, according to the discount upon those tallies at that time, amounted to the sum of 10,000*l.* or thereabouts, wherein he acknowledgeth the great bounty of her majesty; and takes notice, that grants much larger have been made from the crown to other ministers of state, while the necessities of the crown have been equally pressing. And the said earl doth not know that, in this, or any other part of his administration, he ever was guilty of any corruption, or any breach of his oath of trust as high treasurer of Great Britain; or that he did in any manner abuse her majesty's goodness, or make an ill use of his access to her majesty, or embezzle the public treasure; or did at any time knowingly injure or oppress her majesty's subjects: but, on the contrary, the said earl saith, that he managed the public money in the most frugal manner, in order to lessen as much as might be the charge of the war; and to ease, if he could, the Commons of Great Britain from all grievous taxes. And, in further vindication of himself against all the imputation of avarice or corruption insinuated in this article, the said earl saith, That, in every employment to which he was called by her majesty's favour, he was always contented with the accustomed incomes and profits of the said employments, without endeavouring to increase his gain by any unwarrantable or extraordinary perquisites: that whilst he was in any office of trust about her late majesty, he never abused that trust, in making any manner of profit or advantage to himself, either by the disposal of places in his own gift, or by the recommendation of persons to her majesty for such as were granted immediately by herself. That neither in or out of place did he ever receive any pension from the crown: that, as he came with clean hands into her majesty's service, so went not only with clean, but almost empty hands out of it, having spent therein most part of the profits which accrued to him from the places he enjoyed; so that, at this time, notwithstanding all the advantages he received from them, and the extraordinary bounty of the queen to him, in this article mentioned, he can with great truth affirm, that his private fortune hath received very inconsiderable addition thereby.

"In Answer to the Third Additional Article; the said Earl saith, That, Matthew Prior, who being employed by her late majesty at the court of France, warrants were signed in the usual form, for payment of several sums of money to the said Mr. Prior; which he believes, from the 27th of August 1712 to the 10th of July 1714, might amount to the sum of 12,360*l.* as in the said article is set forth; and he believes he did pay, or cause to be paid, at several times, the said sums, pursuant to the authority he had from her late majesty for that purpose; which, he conceives, was not only lawful, but a duty incumbent on him. He further saith, That he doth not know that, by any law, there ought to be certain appointments or allowances, for the maintenance and support of ambassadors, envoys, plenipotentiaries, and other public ministers of the crown in foreign courts: but that her majesty was at liberty to vary such appointments, and the manner of paying them, as she in her wisdom should think fit, out of any funds appropriated to the civil list. He doth believe that there are several instances, where persons employed to negotiate matters of importance, as ambassadors or plenipotentiaries, have been allowed 1,500*l.* for their equipage, 100*l.* a week for their ordinary entertainment, and 1,600*l.* for extraordinaries; and likewise further sums for services performed by special order. And if the said Mr. Prior had been paid upon that foot, he would have been entitled to a greater sum from the crown, for the time wherein he was employed by her majesty as aforesaid, over and above all disbursements for special services. And the said earl saith, That he takes the said Matthew Prior to have been sent by her majesty into France for her majesty's service, and to order to carry on the negotiations of a general peace: but denies that he was any creature of the said earl, or sent by the said earl into France, or that he carried on any negotiations of the said earl, or that her majesty was prevailed on by his counsels to send the said Matthew Prior as her plenipotentiary to the French king, without the privity of, or any communication with, the allies; or that the said earl used the least connivance for carrying on, or did carry on or promote any dangerous practices with the ministers of France, or the enemies of her majesty or her kingdoms; or that he did at any time combine with the said Matthew Prior, to defraud her majesty of any sum of money whatsoever, under colour of his employment; or that the said Matthew Prior was sent into France, with the character aforesaid, without any settled appointment or allowance for any such end; or that he the said earl did give the said Matthew Prior an unlimited credit, or promised to pay him any bills whatsoever, other than what he should be duly authorized to pay; or that any bills of exchange in the said article mentioned were drawn in pursuance of any such contrivance. The said earl saith, That, Thomas Harley esquire having been twice sent by her late majesty to the court of Hanover, he the said earl, being then high treasurer of Great Britain, publicly caused to be

paid to the said Mr. Harley the sum of 5,560*l.* or thereabouts, by authority from her majesty, and according to the duty of his office, out of monies appropriated to the use of the civil list; and he believes that, if Mr. Harley had received an allowance in proportion to what hath been paid to ambassadors, it would have amounted to a greater sum; but denies that the said sum 5,560*l.* or any part of it, was paid without authority, or for promoting any wicked purposes of the said earl, or that he did either illegally or fraudulently issue or direct, or advise the direction or payment of, any sum or sums of money, out of her majesty's treasury, to any person whatsoever; or that he ever entered into any combination with the persons abovementioned, or any other person whatsoever, to defraud her majesty of any of the public money which he was intrusted with the management of.

"In Answer to the Fourth Additional Article; the said Earl denies that he ever held any correspondence with Mary, the late consort of the late King James the 2nd, either by the means of Mr. Prior or by any other means whatsoever; or that he ever intended, or had the least design, any way to promote the interest of the Pretender: Nor doth the said earl know or believe, that M. Gaultier, in the said Article named, was entrusted or employed as an agent, between any of the ministers of Great Britain and France, in transacting any affairs relating to the Pretender; and denies that he the said earl had any conferences with him the said M. Gaultier on that subject; nor doth the said earl know, or believe, that the said M Gaultier was empowered to concert with him the said earl particularly the setting any payment or remittance of the annuities hereafter mentioned, or any other yearly sum to be paid or remitted out of her majesty's treasury into France. Neither had the said earl the least design that any of the fruits or advantages of the peace should be made an offering to any adherent of the Pretender; nor did he agree or undertake to procure the payment of the yearly sum of 47,000*l.* or any other yearly sum, to the use of the said late consort during her life. But the said earl doth admit, that the late king James the 2nd, by letters patents, under the great seal of England, bearing date on or about the 28th day of August in the year 1688, granted unto Lawrence earl of Rochester, Henry earl of Peterborough, Sidney lord Godolphin, Robert Warden, esquire, and sir Edward Herbert, knight, (who are all since deceased,) divers annuities, or yearly sums of money, amounting to 37,938*l.* 13*s.* 7*d.* payable out of the hereditary duty of excise and the post office, and other revenues in the said letters patents mentioned, to hold, to them and their heirs, during the life of the said consort, in trust for her, and, by other letters patents, bearing date on or about the third day of December in the year 1688, also granted unto the said consort a further pension, or yearly sum, of 10,000*l.* to hold during her natural life; whereby the said revenues arising from the hereditary excise and post office, and other the revenues in the said letters patents mentioned, became charged with, and were liable to, the said annuities or yearly sums, as in this article is mentioned: And the said earl doth admit, that the said revenues were, by several acts of parliament, granted and settled during the life of his late majesty king William the 3rd, for the use and service of his household and family, and, for other his necessary expenses and occasions: and after his demise, during the life of her late majesty queen Anne, were appointed to be for the support of her household, and of the honour and dignity of the crown: But saith, that, in the same act of parliament whereby the said revenues are so appointed, there is a general saving to all and every person and persons, of all such rights, titles, estates, interests, claims, and demands whatsoever, of, in, or to, or out of the said revenues and hereditaments, or any of them, as they or any of them had, or ought to have had, before the making the said act, as fully to all intents and purposes as if the said act had never been made: And the said earl doth admit, that an act of parliament was made in the 12th year of her late majesty's reign, whereby the sum of 500,000*l.*, for the causes therein mentioned, was to be applied (in and of the revenues or branches which were appointed for the support of her majesty's household, and of the honour and dignity of the crown) for or towards the paying and discharging such arrears of salaries, wages, diet money, and other allowances, and such debts, for emptions, provisions, and other causes, as should appear to be due and owing to her majesty's servants, tradesmen, and others. But the said earl saith, he hath heard that the said late consort of the late king James the 2nd, esteeming herself to be entitled, by the laws of England, by virtue of the said letters patents, to the several sums of money therein mentioned, did, by letters of attorney, empower and authorize the said M. Gaultier to demand and receive, for her only use, benefit and behoof, all sums of money, which, from and after the feast of the Annunciation of the blessed Virgin Mary 1713, were become due and payable upon the said several annuities, amounting to 37,938*l.* 13*s.* 7*d.*; and the other annuity, or yearly sum, of 10,000*l.*; and to give acquittances and discharges for the monies he should so receive to her only use and behoof as aforesaid; and that thereupon he the said M. Gaultier applied himself to her majesty, for the payment of the monies which were incurred or grown due on the said several annuities, from the said 25th day of March 1713; and that her majesty was pleased to sign a warrant directed to him, the said earl, being then her majesty's high treasurer, or to the high treasurer or commissioners of the treasury, for the time being, in the words, or to the effects, in the said Article set forth; but, for more certainty, refers himself to the said

warrant, when the same shall be produced: and that, in obedience to her majesty's commands signified by the said warrant, he the said earl did direct two several warrants to the auditor of the receipt of the Exchequer to the effect in the said Article set forth; but, for more certainty, refers to the said several warrants, when the same shall be produced. But he denies he advised her majesty to sign the said warrant of the 23rd of December 1713. But when such warrant was brought to him, and beknew that the jointure of the said consort had been confirmed by act of parliament, and had heard that, by some private Article or agreement at the treaty at Ryswick, provision had been made in relation to it; and the legality of the demand not being doubted by her majesty's counsel learned in the law, the said earl thought it his duty to pay obedience to it, and the sum of 500,000*l.*, intended to be raised by the said act of the 12th year of her majesty's reign, together with a great additional sum in tallies, being designed for discharge of her majesty's debts, the said earl thought himself sufficiently authorised to direct, that the said sum of money mentioned in the said warrants, which he was advised was a debt from her majesty, should be paid out of the said 500,000*l.*, yet the sum in the said warrants mentioned, or any part thereof, was not paid out of the said appropriated sum of 500,000*l.* or otherwise; but the whole sum of 500,000*l.* was applied to other uses, for which it was appropriated. And the said earl humbly hopes, that he hath not hereby betrayed the honour of her late majesty, or the imperial crown of these realms, or acted contrary to his duty. And the said earl doth acknowledge, that the said M. Gaultier coming into England with letters of credence from the French king to her late majesty, after having resided some time in England; her majesty was pleased, before his departure hence, to direct a present should be made to the said M. Gaultier, as hath been usual in like cases to public ministers: and he believes her said majesty was the rather inclined to make such present to the said M. Gaultier, because the said earl hath heard and takes it to be true, that the said Gaulner had been instrumental with the French king to obtain the delivery and release of those poor protestants, who had suffered on board the gallies on account of their religion; whose rescue from slavery her majesty, out of her known zeal to the protestant religion, and out of her wonted piety and compassion to the confessors in so good a cause, had much at heart, and had prevailed therein beyond expectation; it being what by his majesty king William had been attempted in vain, and was thought by many impossible ever to be obtained: And the good offices of the said Gaultier in that affair having been very acceptable to her majesty, she was pleased to increase his present in respect thereof, and therefore ordered it to be paid in the same manner as had been done to others, whose presentation majesty thought fit to augment: And for this end, her majesty, about the time in this article mentioned, did sign a warrant, directing the payment of 1,000*l.* sterling to Daniel Arthur, esq. in the same Article mentioned, to the intent it might be paid to the said M Gaultier, on the account aforesaid; and the said earl believes the said monies were issued and paid accordingly; and doth not apprehend he hath therein acted contrary to his duty.

"In Answer to the Fifth Additional Article; the said Earl doth admit, the sovereign of this realm may refuse to receive any natural-born subject, who hath committed and is under the guilt of high treason, as a public minister, or with any character from any foreign prince, state, or potentate: and that where such person is known to be guilty of such crime, it may in most cases be fit so to do: But the said earl apprehends that the sovereign is the proper judge whom to refuse or receive with such character The said earl believes, that a person styling himself, or commonly known by the name of Lilcot or Lawless, did, about the year 1712 or 1713, come into England, with letters of credence to her majesty, from the king and the late queen of Spain, and authority to treat about carrying British merchandizes to the Spanish West Indies; and that her majesty was pleased to admit such person with such letters of credence; and before his return to Spain, was pleased to order, for the use of such person, the sum of 1,000*l.*, to be paid out of the monies appropriated to the civil list; which the said earl, in obedience to such orders, caused to be paid, and humbly apprehends it was his duty so to do: But the said earl believes, that when the said Lilcot or Lawless was so admitted, he was generally thought to be a natural Spaniard; and that, from the advantages of those licences which he brought for carrying the British merchandizes to the West Indies he expected a much larger present: however, the said earl denies that he knew, or was informed, before the arrival of the said Lawless in England, any thing of his coming hither; nor, after his arrival, did he see him, or know of his being here, before he had been introduced to her majesty, it being usual for public ministers to be introduced, by those servants of her majesty to whose office it belongs, as matter of duty and common dispatch, without consulting therein other ministers of state; and, upon the notice taken of this affair, formerly in the House of Peers, it appeared, that the noble lord who introduced the said Lawless to the queen, by virtue of his office did it as of course, and did not then know he was other than a native of Spain. And the said earl saith, That, of a long time after he had been so introduced, the said earl neither knew or heard that he was other than a natural Spaniard; but, when the said person had continued in England, a considerable time, there was a rumour, and the said earl was afterwards in-

formed, he was a native of Ireland, and departed out of that kingdom in his youth, and had since been in the Spanish service; but doth not know nor was informed, that he had committed or been guilty of high treason, or that he had served the late king James the 2d, in the war in Ireland, against king William the 3d, or had followed the said king James the 2d, into France, or been in his interest or service, or had been in rebellion against king William, or in arms against the late queen. And the said earl, having no notice of the said person's arrival before his being admitted to her majesty, nor any knowledge of any crime he was guilty of, submits, whether it shall be imputed to him as any want of duty, that he did not advise her majesty against admitting or receiving him in the character aforesaid, or that he did, by her majesty's authority, meet, confer, or negociate with him, concerning any affairs about which he was authorised to treat (in case he had so done, which however the said earl doth not admit); or that, by authority from her majesty he paid the said sum of 1,000*l.* to the said Daniel Arthur, which after came to his use; but the said earl doth deny that he advised her majesty to sign the warrant for payment of the said 1,000*l.*, or gave any directions for payment thereof, contrary to what was intended by her majesty. And the said earl admits, that some other sums of money, which might amount in the whole to 915*l.* or thereabouts, were paid, in satisfaction of monies advanced to the said Lawless, as part of the monies agreed to be advanced to his catholic majesty by the Assiento contract: But denies that he directed the payment of any other monies whatsoever, out of her majesty's treasury, to the said Lelesh, alias Lawless; or knows that any other monies were paid to him, beside the aforementioned sum of 1,000*l.*, and the monies paid in satisfaction of what was advanced to him towards the part due to his catholic majesty by the said Assiento contract. And the said earl never assumed the supreme direction in her majesty's councils; neither was he advising that the said person should be introduced to her majesty, or should be received or treated by her ministers, under the disguised name of Don Carlo Moro, or should at all be received as a public minister here. And the said earl doth acknowledge, that the House of Lords, with commendable zeal, made such address and came to such resolution, and that her majesty made such answer and issued such proclamation, as in the said article is mentioned. And as the said earl had always the highest regard to the safety of her majesty's person, the security of the protestant succession, and advice and resolutions of the House of Peers; so he denieth that he had the least knowledge that the said Lelesh, alias Lawless, had ever been minister or agent of the Pretender at the court of Madrid, or the least suspicion that he was sent into England to promote the interest of the Pretender in these kingdoms. Nor is he conscious to himself that he hath done any thing to expose the person of her most sacred majesty, to enervate or render ineffectual the advice of parliament or her majesty's declarations, to countenance any emissary of the Pretender or encourage his adherents, to the danger of the protestant succession, as by law established, in the serene house of Hanover: But, on the contrary, is persuaded his conduct in that affair is so well known, as not to need any further justification: But, if it should at any time be thought necessary, he is able to produce those proofs of it, which are the best authority in the world, for his vindication.

"In Answer to the Sixth Additional Article; the said Earl hath been informed, and doth believe it may be true, that, after several unsuccessful attempts by her late majesty, in conjunction with her allies, to establish his present imperial majesty upon the throne of Spain, instructions in writing were given to Mitford Crow, esquire, about the 7th of March 1705; taking notice, 'Her majesty had been 'informed, that the people of Catalonia were 'inclined to cast off the yoke imposed on them 'by the French, and to return to the obedi-'ence of the house of Austria; and that her 'majesty, desiring to maintain and improve 'that good disposition in them, and to induce 'them to put the same speedily in execution, 'had made choice of him to carry on so great 'a work, for the advantage of her service, and 'the good of the common cause, as was the 'making a treaty with the Catalans, or any 'other people of Spain, for the purposes afore-'said; and that the said Mitford Crow was 'thereby empowered to give the Catalans, or 'other Spaniards, assurances of her majesty's 'utmost endeavours to procure the establish-'ment of all such rights and immunities as 'they had formerly enjoyed under the house 'of Austria, and the confirmation of such titles 'as had been conferred on any of them by the 'duke of Anjou; and that, for their further 'satisfaction, her majesty had sent to king 'Charles the 3d, for powers for confirming the 'same to them, and was willing, if they in-'sisted on it, to become guarantee that it 'should be done.' And the said earl hath been likewise informed that her majesty, in a commission, granted to the said Mitford Crow, expressed, 'that she thought fit to enter into a 'treaty with the principality of Catalonia, or 'any other province of Spain, on condition 'they would acknowledge and receive Charles 'the 3d as lawful king of Spain, and utterly 'abdicate the house of Bourbon, and join their 'forces with her majesty's;' and that her majesty was pleased also to sign and deliver to the said Mitford Crow credential letters, directed to the nobility, magistracy, and other officers of Catalonia, or any other province of Spain, desiring them to give faith to every thing the said Mitford Crow should tell them in her majesty's name. And that instructions were likewise given to the earl of Peterborough and

sir Cloudesly Shovell, about the time, and to the effect, in the said article mentioned; and that a manifesto, or declaration, was afterwards published by the said earl of Peterborough, to the effect in the said article set forth: But the said earl denies that such manifesto or declaration was prepared by his advice or privity, and the said earl believes it may be true, that some part of the nobility, clergy, and inhabitants, of the principality of Catalonia and also of the inhabitants of the island of Majorca, did afterwards acknowledge King Charles the 3d, now emperor, for their lawful sovereign, and did join their arms with those of her majesty and her allies, against the present king of Spain; but by what motive they were induced thereunto, the said earl doth not know And the said earl doth acknowledge, that, for some time, the arms of her majesty and her allies, in Spain, were attended with considerable successes, in which the bravery of the Catalans appeared, and the forces of the confederates twice entered the capital city of that kingdom; by which signal conquests, and the great supplies that have been granted by parliament for their assistance, the said people were under the highest obligations of gratitude to her majesty. But, the advantages those successes had given king Charles the 3d being lost, her majesty found the burthen of that war very heavy to her subjects, the conquest of Spain for the present emperor impracticable, and, after the accession of the empire and descent of the hereditary countries to him, esteemed inconsistent with the interests of many of her allies, and therefore thought it necessary, for the good of her people and the tranquility of Europe, to enter into negotiations for a general peace: but the said earl denies that he entered into any conspiracy for subjecting the Spanish monarchy to the House of Bourbon, or even had the least design of the ruin or destruction of any of the rights, liberties, or privileges, of the Catalans; or that he ever formed any contrivance for abandoning them to the fury or revenge of the duke of Anjou or his adherents, or for the extirpation of any of their rights, liberties, or privileges; or that he advised her majesty to give directions to the lord Lexington, to acknowledge the duke of Anjou king of Spain, before any negotiation of peace was set on foot, in due form of law, between the crowns of Great Britain and Spain on the contrary the said earl saith, That, by letters and papers sent by one of her majesty's principal secretaries of state to the lord Lexington, it will appear, that, after her majesty had hearkened to the proposals for a general peace, for the good of her own people and her allies, she used her best endeavours for obtaining the liberties of the Catalans at the conclusion of the peace; and that his lordship was directed peremptorily and absolutely to insist thereon: nor doth the said earl know or believe, that any orders were ever sent from, or given by, her majesty to any of her ministers, to recede from this demand, or that the said lord Lexington ever desisted from making the utmost efforts he could for obtaining it; and if, from any measures of the Catalans or of his imperial majesty, or from any other cause, her majesty's endeavours had not their full effect, the said earl conceives it cannot be imputed to any neglect of her majesty, or any want of duty in him the said earl. He believes that, about the time in the said article mentioned, his imperial majesty did enter into a convention or agreement for evacuating Catalonia; and that her majesty, out of inclination to perform her best offices to the emperor, was prevailed on to become one of the guarantees thereof; but denies that his imperial majesty was necessitated, by any practices of the said earl, to make any such convention; and is ignorant for what causes his imperial majesty, whom it most concerned, omitted, in such convention, to make express and positive stipulation for the liberties of the Catalans: if it proceeded from any dependance upon the declaration of her majesty to interpose her best offices on their behalf, and the promises of the French king to join his endeavours therein, he is confident, it will appear her majesty's best offices were employed in that affair, when it is considered what repeated instances she made by her ministers, and in the most pathetic manner, to obtain for them the privileges they desired: and that her majesty, by her earnest interposition, did obtain a grant and confirmation to all the inhabitants of Catalonia, of a perpetual amnesty and oblivion of all that was done in the late war, the full possession of all their estates and honours, and a farther grant of all their privileges, which the inhabitants of both Castilles, who of all the Spaniards were most dear to the king of Spain, enjoyed, or might at any time after have or enjoy: whereby the Catalans, if they obtained not all the ancient privileges they pretended to, received however, in compensation thereof, the advantage of trading directly to the West Indies, and other privileges to which they were never before entitled: and the House of Peers, upon consideration of several papers laid before them relating to this affair, in pursuance of their address to her majesty in that behalf, expressed their utmost thankfulness and satisfaction, for her majesty's repeated and earnest endeavours for preserving to the Catalans the full enjoyment of all their just and ancient liberties; and it is probable her majesty had prevailed, to obtain for them the ancient privileges and liberties in the largest extent, if they had waited the event of her gracious interpositions in their favour, and not determined to carry on the war by themselves against king Philip, after the emperor had signed the convention for evacuating their country; which incensed the king of Spain in the highest degree, and was looked upon by him as the most obstinate rebellion. However, the said earl saith, he never amused the Catalans with any expectations whatsoever, nor in any degree contributed to engage them in any obstinate de-

fence against the duke of Anjou; nor advised her majesty to conclude a peace with Spain, without security for the ancient rights, liberties, and privileges of that people; or to send sir James Wishert with a squadron of men of war for the purposes in the said article mentioned, but believes her majesty might think herself obliged, by being guarantee to the said convention for the evacuating of Catalonia, to send the said sir James Wishart into the Mediterranean, with a squadron of men of war, although he knows not the orders or instructions given on that occasion; and humbly apprehends, that he cannot in justice be charged with any consequences from that unhappy people's refusal to comply in their submission to the king of Spain, upon the terms her majesty hath stipulated for them.

"Thus the said Earl has laid his case before your lordships; wherein he hopes, he hath fully answered the several Articles exhibited against him. Yet, lest there should be any omission in his Answer, which may be made use of to his prejudice, he says, he is not guilty of all or any the matters contained in the said Articles, or any of them, in manner and form as they are therein charged against him: and humbly hopes that your lordships will excuse any imperfections or defects in the said Answer with regard to expression or form, and impute whatever of that kind may appear to the great weakness of body and ill state of health which the said earl now labours and hath for some months past laboured under; and that your lordships will be induced to make all further due allowances in his favour, from the following considerations, which relate to the nature of the charge in general, and the difficulties with which his defence of himself against the particulars contained in that charge is, and must be, attended. Most of the Articles with which he stands charged relate entirely to the negotiations of the peace lately concluded at Utrecht. He doubts not but your lordships will consider that he must of necessity be under great difficulties in giving a full and particular account of such a great variety of facts as are contained in these Articles; that several of these facts concern transactions with the ministers of foreign states, who cannot be produced as witnesses in his defence, be their testimony never so material, that many steps and proceedings in an affair of this nature, where the interest of several parties, not only separate from, but some of them also contrary to each other, are to be adjusted, do require great secrecy and address in the management; and that in treaties between enemies, such terms are often proposed, and such arguments used, as carry a different appearance from the real intentions of those that treat; upon which accounts, it must be very difficult to set every thing that passed in the late negotiations, with regard to the enemy and to the allies, in a clear light, and to justify every step that was taken towards conducing them to the end proposed, especially since the account of those transactions, and of the reasons on which they were founded, cannot, as he conceives, be duly cleared, but by inspecting the entire series of letters and papers which passed during the continuance of those transactions, and by comparing together such passages in them as might give light to each other and to the whole; all which letters and papers are (as he is informed) now in the possession of the honourable House of Commons; nor was it thought fit, upon his humble application to your lordships, that he should be indulged with a copy of any of them: he hopes it may not misbecome him, on this occasion, to observe to your lordships, that the House of Commons, by being possessed of those papers, have a fuller view of the whole progress and of all the secret steps of that negotiation, than perhaps was ever in the like case imparted to any House of Parliament, and they have therefore all the advantage possible towards forming the charge against him upon the Articles of his Impeachment; whereas he the said earl, being destitute of all assistance from those papers, is under great and particular disadvantages towards making his defence in the points whereof he there stands accused; and he is therefore humbly assured, that as your lordships, on the one side, will not expect from him any such proofs of his innocence as can only be drawn from a perusal of those papers; so, on the other, you will not admit of all or any of those Articles as made good against him, unless the accusations therein contained be supported by the clearest and most unquestionable evidence of which the nature of the facts is capable. He submits it likewise to your lordships consideration, whether, in a negociation drawn out into a great length, where the advice of all those in high trust about her majesty was to be taken, and where several persons were to be intrusted with the management of what was agreed upon, he can with any colour of equity be made answerable for advising and conducting the whole. He desires also further to observe, that every thing with which he is charged was done in the reign of a gracious princess now deceased, who, by reason of the perfect knowledge she had of the ill state of affairs at home, of the advances made towards peace from abroad, and of the commands which she at several times laid on her servants, had been the best, and indeed could be the only competent judge, whether she was fraudulently dealt with, led by ill advice into measures which she did not direct and approve, or made an instrument of sacrificing the interest of her kingdoms to the enemy. It is with great grief that he finds such things suggested, as seem to lay a stain upon the character of so excellent a queen, whose memory, he is confident, will be for ever dear to this country; and therefore he takes leave in the most solemn manner to assure your lordships, that as far as he knows or can remember, every thing relating to the transactions of peace was communicated to her late majesty, and ma-

turely considered by her before any thing was determined thereupon; nor was any step taken but in pursuance of such determination. As to the peace in general: he the said earl thinks he has very good reason to say, that the queen had nothing more at heart than to procure so great a blessing for her people; and that when it was obtained, she had this satisfaction in herself that she had taken the most proper measures to justify her conduct, both towards her allies and towards her own subjects; for upon a review of her majesty's whole proceeding in relation to war and peace, he believes it will appear, and hath in part appeared by the Answer of the said earl to the said Articles, that, as her majesty entered further into the war than she was obliged by any treaties subsisting at the time of her accession to the throne, so she contributed more man and money towards the carrying it on afterwards than she was engaged to provide by any subsequent treaties; that, her earnest desires of peace being twice frustrated, when such conditions might have been obtained as would have fully answered all the ends for which war was at first declared; that all our successes and victories ending in the annual increase of the charge of England, without any further assistance from our allies: and her kingdoms being exhausted to such a degree (notwithstanding the great advantages obtained by her arms) that she was not able to continue the war, upon the foot it then stood, one year longer; whilst her allies refused to continue it upon those equal conditions to which they were by treaties obliged; she was at last constrained, in compassion to her people, to hearken to the overtures of peace then made her from France, without relying further on the vain hopes of gaining more advantageous terms by protracting the war a year longer: she had carried it on for some time under that prospect, without reaping the benefits proposed, even at junctures that seemed most favourable to her demands, and to the pretensions of her allies. she had indeed, by that means, raised the glory of her arms; but she could not think this a sufficient recompence for the increasing miseries of her people; and therefore resolved to lay hold of the opportunity then offered to her, of ending the war by a peace, if it might be obtained upon terms every way just, safe, and honourable. and those who were then employed in her majesty's councils, thought themselves obliged to second her good intentions in this case, and to obey her commands with all readiness. The said earl presumes on this occasion to mention to your lordships the saying of as wise a man, and as great a general, as the last age produced, the duke of Parma: When France was in a far lower condition than now, being almost equally divided between two contending parties, and Spain was at the height of its glory, and he himself at the head of a Spanish army supporting one of those parties, after Paris itself had been besieged by the other, it was his opinion (and the advice he gave to his master the king of Spain was grounded upon it), 'That, 'if France were to be got only by reducing its 'towns, the world would be sooner at an end 'than such a war.' The queen, seamed, at this time, with better reason, to frame the like judgment; and it was therefore her pleasure, and a great instance (as the said earl conceives) of her wisdom and goodness, to think of securing a peace, while she appeared able to carry on the war; her armies being full and numerous; and before the exhausted condition of her kingdoms, and the impossibility on her side of maintaining so disproportionate an expence, was discovered by her enemies. At this juncture, the queen entered upon a negociation of peace, with circumstances of great honour to herself: France applying to her first on this account, previously owning her title, and acknowledging the right of the Protestant succession, two chief grounds upon which the declaration of the last war was built As to the allies, it was conducted in the same manner as all treaties of peace in confederacies have ever been, and according to the known laws of nations in such cases; the first motion, and the several steps of it as fast as they ripened into proposals fit for consideration, being without delay communicated to the States General. By the terms of this peace, as all reasonable satisfaction and security due to any of the allies by treaty were obtained for them by the queen, and their just pretensions effectually supported, so larger advantages were actually procured for Great Britain in particular, than ever had been demanded before in any treaty or negociation between this and any other foreign state. The said earl craves leave on this occasion to appeal to your lordships, whether all the ends for which the war was entered into have not, by this treaty, been fully attained? Whether it does not appear, by the best of proofs, experience, that the kingdoms of France and Spain are, by the conventions of this treaty, most effectually separated? And whether any other expedient could have been so successful to this purpose, as that whereby it is now happily brought about? Whether the balance of power in Europe be not now upon a better foot than it has been for an hundred years past? Whether the advantages that have accrued to Great Britain by this treaty do not appear, and have not appeared, in the security of the Protestant succession, and in his majesty's peaceable accession to the throne with the universal applause of his subjects? In the additions made to our wealth, by the great quantities of bullion lately coined at the mint, by the vast increase of shipping employed since the peace in the fishery and in merchandize, and by the remarkable rise of the customs upon import, and of our manufacture and the growth of our country upon export? for the proof of which particulars, he refers himself to those officers and books wherein an authentic account of them is contained. And as the terms of the peace were, in these and other respects, manifestly profitable to Great Britain; so the said earl begs leave humbly to [illegible] your lordships, that

they were communicated to the parliament, and with their concurrence agreed on; that the peace, thus concluded, was afterwards highly approved by both Houses; that solemn thanks was rendered to God for it in all our churches, as well as in the churches of the United Provinces, and that her majesty received on this subject the hearty and unfeigned congratulations of her people from all parts of her dominions. These being the real effects, and this a true representation, of her majesty's conduct in the affairs both of war and peace; the said earl sees not how he or any others then in her majesty's service can be justly charged with betraying the interest of their own country and of the allies, by negociating and promoting that peace, which then was, and (as he hath good grounds to believe) still continues to be, very acceptable and advantageous to these kingdoms: and if the peace itself be not condemned; and if it be not even charged upon the said earl as a crime, that he advised her majesty to conclude that peace; neither of which appear to him from the articles; he humbly conceives, it is a particular and extraordinary hardship upon him, that rough draughts and essays towards a peace, with other preliminary steps in a negotiation, all leading to an end which he looks upon to be just and profitable, and which is not in any of the articles alledged to be otherwise, should be branched into so many distinct heads of accusation against him; for, supposing that in the process of so nice and difficult an affair, subject to divers unforeseen obstructions and events, any improper steps had been taken (which the said earl doth not admit, but altogether on his part denies), yet, if things were at last conducted to a right issue, and ended in an honourable and advantageous peace, there can be (as he conceives) no just ground to find fault with the measures made use of to compass it, because they seemed before the accomplishment to have a different tendency: especially if it be considered, that scarce any peace hath been made by a confederacy, where less occasion was administered for jealousy among the several parties, and less reason given to complain that every treaty required by the letter of such an alliance was not strictly observed: and therefore he humbly hopes, that no steps taken for obtaining a peace approved by the wisdom of former Parliaments, shall by any succeeding Parliament be accounted criminal, unless it can be made appear that those steps were taken contrary to the queen's orders, or upon corrupt views of private advantage: but that no charge of this nature can be made good against him, he presumes to affirm, with great assurance: nor does he know of any other persons justly chargeable upon either of these accounts. And, as a further proof that those who had the honour to serve her majesty in the negotiations of peace acted with upright views and intentions, and without being conscious to themselves of any failure in their duty either to their queen or their country; the said earl craves leave to observe to your lordships, that they never attempted to cover their actions from public censure by any pardon or indemnity, though they had very good reason to believe that, had they judged or imagined themselves to have wanted such security, it might, through the goodness of the queen, have easily been obtained; nor can he think it an observation unfit to be made, that, in few of the articles which concern the negotiations of peace, the charge is founded on any breach of the laws of Great Britain, but it is in most of them built chiefly on the supposed infraction of certain treaties and alliances with foreign princes and states, and he conceives, that such infractions of public treaties, where they do not particularly affect the interests of Great Britain, being cognizable by the laws of nations only and not by those of the realm, are not wont to be examined into here at home, and prosecuted as criminal; but upon the complaint of some prince or state pretending by that means to be injured, and lodging such complaint, in some reasonable time, with the prince by the advice of whose ministers and servants such injury is supposed to have been done: but he knows not that any such steps have been taken, since the peace, by any of the powers concerned; on the contrary, he believes, that all the allies, except the emperor and empire, made their peace with the enemy at the same time the queen did; and that none of them did afterwards complain to her majesty (who survived the said peace a year and almost four months) of any hardships imposed upon them in it: that the princes of the empire, who contributed very little to the war, might have concluded their peace upon reasonable terms, at the same time the other allies did; and would probably have done it, if the emperor, on his part, had been willing to sign together with them; which, he is informed, at the conclusion of any general peace, has been seldom done; and particularly, at the several conclusions of the peace of Munster, that of Nimeghen, and that of Ryswick, was not practised. And he submits it to your lordships consideration, whether the emperor, having had all reasonable and equitable satisfaction made him for his pretensions to the succession of the Spanish monarchy, according to the terms of the grand alliance, could have any just reason to complain of the queen's ministers, or those of her allies, for concluding a peace without insisting, on his account, upon impossible conditions; especially when no provision was made, or offered to be made, to reimburse to her majesty any part of those vast sums she had already expended in support of his pretensions; whilst he failed of supplying his quota almost in every part of the war, notwithstanding his new and great acquisitions: but whether the emperor, or any other of the allies, had any just ground of complaint or not, still the said Earl presumes to insist, that it ought so have been signified to the queen; who upon such complaint, had she found any of her servants justly liable, as disobeying her orders, or misleading her by their advice into unjustifiable and

dishonourable measores, might have punished them forthwith, as their offences deserved: but, nothing of this kind having been done, he humbly leaves it to be considered by your lordships, whether the silence of the powers concerned doth not carry in it a strong presumption, either that they had no real and just ground of complaint in relation to the terms of the peace itself, or at least did not look upon the ministers of the queen as any ways liable to blame on that account: and therefore he must again beg leave to express to your lordships his concern, that he should be charged as a criminal, by the laws of this land, for supposed breaches of treaties with foreign states, which never were complained of as such, by those states themselves, during the life of her majesty. He desires further to observe to your lordships, that wherever he is charged with carrying on a private and separate negotiation, it is all along understood with regard only to the States of the United Provinces: no step that was communicated to them being censured upon this account, whereas all the other allies had, by virtue of their treaties with the queen, a like right to a communication of counsels and her majesty was under no stipulations to act more in concert with any one, than with all of them. He doth indeed allow it to have been most agreeable to reason, and to the interests of state, that the queen should act in a closer conjunction with Holland than with any other of her allies, because that, next to Great Britain, Holland bore the greatest share in the charge of the war; but then he hopes it will be allowed also, that the States being more interested in the success of the war than England, and that England having submitted to a greater share of the burthen, in order to procure, not only a fitting security for the States, but such as brought great advantages to them, though no benefit to England, it was very reasonable for the queen to take care of the interest of her own kingdoms some other way; and, since the advantages she demanded from the enemy were such as she might obtain without prejudice to this States, it was as lawful for her to negotiate this matter, without communicating it originally and in the first rise of it, to them, as it was for her and the States to concert their mutual interests together, without the immediate and express participation of the other allies, which, being known to be done without a design to defeat any of the main ends of the alliance, was never complained of by any of the confederates: and as for the matters concerted previously with France for the particular interest of England, without the original intervention of Holland, the States were so far from protesting against her majesty's measures, and condemning her conduct in this respect, that their minister proffered several times, in their name, to have led the way in the most difficult part of the whole negotiation, and to have done his utmost to facilitate the conclusion of it, provided his masters might have a share in the Assiento contract and trade to the Spanish West Indies; one of those advantages which France had discovered its willingness should be allowed previously and entirely to England.

"These few general observations the said earl has thought fit to add to the close of his Answer to the several Articles of his Impeachment; not only in his own necessary vindication, but also in defence of her late majesty's conduct in the negociating and concluding a peace, the perfecting of which she esteemed the greatest happiness of her reign.

"Upon the review of the Two and Twenty Articles with which he is charged; as he is not conscious of any offence committed by him with respect to any one of them, so it is with a particular concern and surprize that he reflects on those two wherein he is accused of high treason, for endeavouring to procure Tournay to France, and so deprive the States of that intended part of their barrier; and for procuring Spain and the West Indies to the duke of Anjou upon his renunciation of the crown of France: referring himself to what he has said in his answer to both these articles, he here further assures your lordships, (and thinks it sufficiently known both at home and abroad) that his opinion and endeavour, as occasion offered, always were for Tournay's remaining (as it now does) to the States General; and as to the latter, he doubts not but that what has lately happened in France, is a convincing proof to your lordships, and to all the world, that the renunciation was the best expedient that could have been proposed, towards hindering the two kingdoms from being united under one and the same monarch; that that branch of the treaty which relates to this expedient has fully answered its end, and made good the character given of it by the queen "that it would execute itself," and therefore, that whoever advised this method of separating the two crowns, was so far from being guilty of any traiterous design, that he eminently promoted the welfare of Great Britain and the good of Christendom.

"The said Earl, with all the assurances of an innocent man, begs leave to repeat, that, as well in this, as in all other affairs of state, in which he had the honour to be employed by her late majesty, he ever acted, according to the best of his skill and judgment, with sincere desires and intentions to serve the public, and without any view to his own private advantage. As he was in several great stations under her majesty, he came into all of them by her own special command, without his seeking or desiring them; and he served her in all with the utmost respect, zeal, and faithfulness; and while he continued in those stations, for many years, it was with great wonder and pleasure that he observed how her majesty's whole thoughts, endeavours, and time, were divided between her duty to God and her love to her people, whose good and security she preferred always to her own ease, and often hazarded her health and life itself to procure it; he

knew, that the most effectual way for any one to recommend himself to her good opinion, was to act upon the same principles of justice and love to his country that she did: and as she abhorred the thoughts of any thing burthensome or injurious to her people; so she often expressed herself with the greatest satisfaction and delight, when she reflected on the advantages obtained by her for her own subjects, and the quiet and repose she had gained for Europe, by that just and honourable peace, for which, as the present age doth, so generations to come will, bless the memory of that excellent and renowned queen. OXFORD."

Debate in the Commons on the Earl of Oxford's Answer to the Articles of Impeachment] September 7. The Lords sent a message to acquaint the Commons, that the earl of Oxford and earl Mortimer had put in his Answer to the Articles of Impeachment; and also to deliver to the House of Commons a true copy thereof. Hereupon the Commons ordered that the said Answer be read on the Monday following, and the said Answer being then read accordingly, there arose a small debate.

Mr. *Robert Walpole*, among other things, said, He had not yet had time to peruse and examine that Answer, but that he now heard it read with a great deal of attention, and, in his opinion, it contained little more than what had been suggested in vindication of the late measures, in a pamphlet intituled, "The Conduct of the Allies," and repeated over and over in the papers called, "The Examiner." That the main drift of this answer seemed to prove these two assertions, 1. That the earl of Oxford had no share in the advising and managing the matters mentioned in the articles against him, but that the late queen did every thing; and 2 That the late queen was a wise, good, and pious princess. That if the second proposition were not better grounded than the first, the reputation of that excellent princess would be very precarious: but as every body must own her to have been a good and pious queen, so it was notorious that the earl of Oxford, as prime minister, was the chief adviser, promoter and manager, of the matters charged upon him in the articles: and therefore his answer was a false and malicious libel, laying upon his royal mistress the blame of all the pernicious measures he had led her into, against her own honour and the good of his country. that he hoped the earl's endeavouring to screen himself behind the queen's name, would avail him nothing; That it is indeed, a fundamental maxim of our constitution, That Kings can do no wrong; but that, at the same time, 'tis no less certain, that ministers of state are accountable for their actions, otherwise a parliament would be but an empty name, the Commons would have no business in that place; and the government would be absolute and arbitrary. That though the earl had the assurance to own, that he had no share in the management of affairs that were transacted while he was at the helm, yet he pretended to justify the late measures: and therefore, in that respect, his answer ought to be looked upon as a libel on the proceedings of the Commons, since he endeavoured to clear those persons, who had already confessed their guilt by their flight.

Mr. *Shippen* could not be altogether silent on this occasion: He said, That it would not become him to defend the earl's Answer, since, as a member of that honourable assembly, he was become one of his accusers. But that he could not forbear wishing, that this prosecution might be dropt, and that the House would be satisfied with the two late acts of attainder. That this wish of his was the stronger, because one of the principal reasons that induced the Commons to impeach the earl of Oxford, subsisted no longer, the affairs of Europe having received a sudden turn from the death of the French king; whereby the renunciation of king Philip began to take place, in the advancement of the duke of Orleans to the absolute regency of France.

Mr. *Aislaby* answered, That he hoped it was to little purpose the gentleman who spoke last, endeavoured to move the pity and compassion of the House, and persuade them to drop this prosecution. That this was not a proper time to examine and reply to the earl of Oxford's Answer; and therefore he would content himself with saying, in general, that it was a contexture of the shifts, evasions, and false representations, contained in the three parts of "The History of the White-Staff." That as to what had been suggested concerning the event which seemed to have strengthened the renunciation, he did not deny, there might be something in it; which was manifest from the great joy the well-affected to the government had shewn, on this occasion, and from the mortification and despair that appeared in the faces of a certain party: But that, after all, it could not yet be ascertained, that the renunciation was in force; that there was a vast difference between the regency and the crown; that time only would decide that matter; but that even supposing that, by the concurrence of unforeseen events, king Philip's renunciation should, at last, take place, yet the same would not justify the ministers who proposed and laid it as the foundation of the late peace, since they with whom they treated, were so frank and so sincere as to tell them, that it could never be valid, by the fundamental laws of France.

After some other speeches, it was ordered, That the Answer of Robert earl of Oxford and earl Mortimer, be referred to the Committee appointed to draw up Articles of Impeachment and prepare evidence against the impeached lords, and that the said Committee do prepare a Replication to the said Answer. Accordingly on Sept. 16, Mr. Robert Walpole, from the Committee, reported the said Replication, which he read in his place, and afterwards delivered in at the table, where the same was read, agreed unto, and ordered to be engrossed. The Monday after the engrossed Re-

plication was read, and it was ordered, that lord Coningsby do carry the same to the Lords; which his lordship did accordingly.

Replication of the Commons to the Earl of Oxford's Answer to the Articles of Impeachment.] The said Replication was as follows:

The COMMONS' REPLICATION to the ANSWER of ROBERT Earl of OXFORD and Earl MORTIMER.

"The Commons have considered the Answer of Robert earl of Oxford and earl Mortimer, to the Articles of Impeachment exhibited against him by the knights, citizens, and burgesses, in parliament assembled; and do with astonishment observe, that the said earl, instead of giving a reasonable and pertinent answer to the just and heavy charge brought against him by the Commons of Great Britain, has presumed not only to deny his advising and being concerned in any matters of state in the Articles charged against him, though confessed to be done under an administration wherein he was notoriously the first minister and chief director; but has also joined therewith a false and malicious libel, laying upon his royal mistress the blame of every thing, which by imposing upon her, he had effected against her honour and the good of his country, thereby attempting to reflect upon the honour and justice of the House of Commons, and to cast an odium upon their proceedings against him, as tending to asperse the memory of the late queen. But the Commons are of opinion, that if it were possible to add to the heavy load of guilt in which the treasons and other most flagitious crimes committed by the said earl have already involved him, this base and ungrateful attempt to impose them to his royal mistress must bring such a new weight of infamy upon him, and so justly provoke the indignation of the Commons, that they might think themselves obliged to demand your lordships immediate justice, for this unwarranted attempt upon the honour of the late queen and the proceedings of parliament.

"But the Commons, being sensible that the treasons and other crimes whereof the earl stands impeached, and the necessity of bringing him to speedy and exemplary justice, require that all occasions of delay should be avoided; and not doubting that your lordships will, in due time, vindicate the honour of the late queen and of the Commons of Great Britain, and the justice of their proceedings. The Commons do aver their charge against the said earl of Oxford and earl Mortimer, for high treason, and other high crimes and misdemeanors, to be true; and that the said earl is guilty of all and singular the articles and charges therein respectively contained, in such manner as he stands impeached; and that the Commons will be ready to prove their charge against him, at such convenient time as shall be appointed for that purpose."

The Duke of Ormond and Lord Bolingbroke's Names razed out of the Roll of Peers.] Sept. 13. Notice being taken in the House of Lords, "That the names of James Butler, duke of Ormond, and Henry St John, viscount Bolingbroke, attainted by act of parliament of high treason, unless they rendered themselves to justice by the tenth of this instant September, remain in the Roll of Peers delivered into this House by Garter late King at Arms:" It is ordered, 1. "That this House will tomorrow take this matter into consideration; and that the Lords be summoned to attend the service of this House upon that occasion. 2. That the Lieutenant of the Tower of London, or the deputy lieutenant of the same, do attend this house to-morrow, to give an account whether James duke of Ormond and Henry viscount Bolingbroke, or either of them, have rendered him or themselves, according to the form of the acts of parliament for their attainder respectively."

Sept. 14. Mr. Doyley, deputy lieutenant of the Tower of London, attending according to order. He was called in, and examined, at the bar, whether James duke of Ormond and Henry viscount Bolingbroke, or either of them, have rendered him or themselves to the lieutenant of the Tower within the time prescribed by the acts for their attainder, respectively. Also the Usher of the Black Rod was examined touching the same. And they severally acquainting the House, "that neither of them, the said duke of Ormond or viscount Bolingbroke have rendered themselves, according to the acts abovementioned;" It is ordered, by the Lords spiritual and temporal in parliament assembled, That the Earl Marshal of England do cause the names of the said James duke of Ormond and Henry viscount Bolingbroke to be razed out of the Roll of Peers, in this House; and likewise out of all books and lists in the Herald's Office, wherein their or either of their names are inserted.

Sept. 17. The Lord Chancellor acquainted the House, "That as he came in, Mr. Le Neve, Norroy king at arms, delivered to his lordship a warrant from the earl of Suffolk, deputy Earl Marshal of England, directing the said Le Neve to raze the names of James duke of Ormond and Henry viscount Bolingbroke out of the Roll of Peers pursuant to the order of the House of the 14th instant."

The said Le Neve was thereupon, by direction of the House, called in, and having, at the table, razed the names of the said James duke of Ormond and Henry viscount Bolingbroke out of the said Roll, he withdrew.

Report of the Committee of Secrecy respecting Mr. Prior.] Sept. 20. Mr Walpole reported from the Committee appointed to draw up Articles of Impeachment, and to prepare evidence against the impeached lords, to whom it was referred to lay before the House as much as they should think proper of the evidence of Mr. Prior; and also the state and circum-

[illegible] laid before the House

stances of his confinement; the report which they had directed him to make to the House; which he read in his place, and afterwards delivered in at the table; Where the same was read: and is as followeth: viz.

"That in the perusal and examination of the several books and papers referred to the Committee of Secrecy, Mr. Prior appeared, through the whole progress of the separate and pernicious negociations carried on between the ministers of Great Britain and France, to have been principally concerned, as an agent and instrument of those evil and traiterous counsellors, some of which are already attainted, and others stand impeached, of high treason, and other high crimes and misdemeanors: and the Committee conceiving there were matters contained in the first general report, from which crimes of a very high nature might be justly charged and imputed to the said Mr. Prior, whenever the House should think proper to enter into that consideration; as likewise, that Mr. Prior was able to give great lights into all those dark and secret transactions, when he should be called upon by the great council of the nation, or any committee appointed by them, to give an account of the negociations in which he was concerned as a public minister; the House, upon a motion from the committee for that purpose, was pleased to order, before the report was made, That Mr. Prior should be taken into custody of the serjeant at arms, to prevent his making his escape upon notice of what was contained in the report:

"That this method of confining Mr. Prior is not only agreeable to former precedents upon the like occasions, but necessary, and essential to that great duty and privilege of the House of Commons of redressing grievances, and bringing great offenders to justice.

"That the committee did, some time after, pursuant to the powers given them by the House, proceed to examine Mr. Prior concerning several matters, of which there can be no doubt but he was fully apprised, and acquainted with, in which examination, Mr. Prior did behave himself with such contempt of the authority of parliament, and prevarication in so gross a manner, as most justly to deserve the highest displeasure of the House:

"But finding at last, after an examination of several hours, that it was impossible for him to disguise, or conceal, some facts that were before the committee, he was induced to declare upon oath, some truths, which will be very material evidence upon the trials of the impeached lords:

"And the committee, having notice, that Mr. Prior had, during his first confinement, met, and conferred with the earl of Oxford, and his nearest relations and dependents, which Mr. Prior confessed to be true, thought it their duty to move the House, that Mr. Prior might be committed to closer custody.

"From this short state of the proceedings relating to Mr Prior, the Committee submits it to the wisdom of the House, whether his behaviour has so far merited the favour and mercy of the House, as to make that confinement more easy to him, which his contempt of the Commons of Great Britain, and his notorious prevarication, most justly brought him into: And it seems worthy of consideration, how far it may be thought advisable for the House of Commons to set at liberty a person in their custody, and committed, according to the ancient methods and practice of parliament, who is a material evidence against high offenders, under prosecution of the Commons of Great Britain; and who, there is great reason to apprehend, would immediately withdraw himself, and as far as in him lay, defeat the justice of the nation."

Ordered, That the Committee appointed to draw up Articles of Impeachment, and to prepare evidence, against the impeached lords, be impowered to sit, notwithstanding any adjournment of the House.

Sir W. Wyndham, sir John Packington, Mr Ed. Harvey, Mr Foster, Mr. Anstis, and Mr. C. Kynaston, ordered at the King's request, to be apprehended] Sept. 21 Mr Secretary Stanhope acquainted the Commons, That he was commanded by the King to communicate to the House, That his majesty having just cause to suspect, that sir William Wyndham, sir John Packington, Mr. Edward Harvey, Mr. Foster, Mr. Anstis and Mr. Cerbet Kynaston, are engaged in a design to support the intended Invasion of this kingdom, hath given order for apprehending them; and his majesty desires the consent of this House to his causing them to be committed and detained, if he shall judge it necessary so to do, in pursuance of the late act of parliament for impowering his majesty to commit and detain such persons as his majesty shall suspect are conspiring against his person and government. Hereupon it was resolved, *nem. con.* "That an humble Address be presented to his majesty, returning the thanks of this House for his gracious message this day, and for his tender regard to the privileges of this House; and to desire, that he will be pleased to give orders for the committing and detaining the several members named in the said message, pursuant to the act of this session of parliament for that purpose."[a]

[a] "Upon this, warrants were issued out for apprehending the six members, two of whom, Harvey and Anstis, happening to be in town, were immediately secured. Mr. Harvey stabbed himself some few days after with a knife, in two or three places of his breast; but the wounds proved not mortal. As to the rest, Mr. Forster stood out in defiance of justice, and with two Romish lords raised a rebellion in Northumberland. Sir John Packington was brought up to London from his house in Worcestershire, and being examined before the council, and nothing appearing against him, was honourably discharged. Mr. Kynaston

Scaffold ordered to be erected for the Earl of Oxford's Trial.] The same day, the Lords sent a message to acquaint the Commons, That their lordships having addressed his majesty, humbly to desire, that he would be pleased to cause directions to be given to the proper officers for preparing a scaffold in Westminster Hall, for the trial of Robert earl

made his escape; and colonel Huske, a captain in the foot-guards, was sent down with a messenger to apprehend sir William Wyndham, at his house in Somersetshire, where they arrived between four and five in the morning. The door being opened, they appeared to be in haste to see sir William; but the porter told them, he was in bed, and could not yet be spoke with. The colonel told him, he came express, and the person with him had a packet of letters of such consequence, that his master must needs be immediately informed of it. This convinced the man, and sir William presently leaped out of bed, and came in his gown to the colonel, who told him, he was his prisoner, the messenger, at the same time, shewing the badge of his office. Sir William said, he readily submitted, but desired no noise might be made to frighten his lady, who was with child. Then they entered a chamber, where the colonel seeing sir William's coat and waistcoat lie, told him, he had orders to seize all his papers, and that he must take leave to search his pockets, wherein he found a bundle of papers, which he secured. Sir William would have diverted him, by offering him very frankly the keys of his escritoire, to search; but the colonel happened to secure the most important papers, as he had reason to guess, by the great disorder and confusion in sir William's looks, when he took the bundle out of his waistcoat pocket. Sir William desired the colonel to stay till seven o'clock, and he would order his own coach and six horses to be ready, which would carry them all; telling the colonel, he would only go in, and put on his cloaths, and take leave of his lady, and then would wait on him. Out of deference to that lady's noble relations, who, besides their high rank, had deserved it by their zeal and affection for the present government, the colonel had particular directions to use him with decorum, and readily complied with his request, looking on it as his parole to return: but he soon found himself mistaken in the person, whose honour he had trusted to; for, though the colonel had caused two doors of sir William's bed-chamber to be secured, yet, there being a third, he made his escape through it. The colonel, having directed the messenger to stay at the house till further orders, returned with speed to London, to acquaint the government with what had passed; whereupon the King in council thought fit to sign a proclamation, with a reward of 1,000*l.* for apprehending sir William.

"One of the papers found in sir William's pocket was said to be a list of the principal persons, who had joined in an association to favour an Invasion, and to advance the Pretender to the throne; which association was transmitted to him by the lord Lansdown. Be that as it will, it is certain a great many tor-

torious jacobites, who by this time had got together at Bath, in order to head the intended insurrection in Somersetshire, were extremely alarmed at the coming down of the King's messengers, and left that place with great precipitation, in a very stormy night. Sir William Wyndham, being pursued by the proclamation, and several messengers, thought a clergyman's habit the best disguise, and ordered one of his servants to write a letter to a gentleman in Surrey, desiring him to give his master refuge in his house; or, if he would not venture so far, to get him a lodging in the minister's house, where he would come in a habit, that would bespeak him respect from a clergyman. This letter being brought to the gentleman's house while he was abroad, his lady opened it; and being frightened with the thought of the danger, which her husband might incur in harbouring a person charged with treason, she thought fit to send it to the earl of Aylesford, who failed not immediately to communicate it to the government. Sir William rightly judging, by the miscarriage of the letter, that he could hardly escape, thought it prudent to surrender himself. In order to which, having crossed the Thames near Thistleworth, he went first to Stan-house, belonging to the duke of Somerset, his father-in-law, and, coming from thence to London the 3d of October, he put himself into the hands of the earl of Hertford, his brother-in-law, captain of one of the troops of life-guards; who having given notice of it to Mr. Secretary Stanhope, a messenger was sent to take sir William into custody. Three days after, he was examined at the council board, where he flatly denied he knew any thing of a plot. However, an order was made for his commitment to the Tower. It was then strongly reported, the duke of Somerset offered to be his bail; which the council did not think fit to accept. But whether the duke bore this denial impatiently, and expressed some resentment upon it too warmly, it is certain, he was removed from his place of Master of the Horse." Tindal.

"The following anecdote, relating to the arrest of sir William Wyndham, places lord Townshend's firmness of character in a conspicuous point of view. It was communicated to me by his grandson lord Sydney. When the intelligence that sir William Wyndham was concerned in a projected rising in favour of the Pretender, was laid before the cabinet, the duke of Somerset, anxious that his son-in-law, sir William Wyndham, should not be taken into custody, offered to be responsible for him. The ministers were inclined to give way, for fear of offending a person of the duke's consequence, who, besides his situation of Master of the Horse, had great influence with the Whigs. The king was present. The proofs against sir William Wyndham were so strong, that lord Townshend

of Oxford and earl Mortimer, who now stands impeached by this House of high treason and other high crimes and misdemeanors, his majesty had been graciously pleased to say, "He would give directions to the proper officers pursuant to the said Address."

The Speaker's Speech to the King, on presenting the Money Bills.] The same day, the king went to the House of Peers, and the Commons attending, the Speaker, upon presenting the Money Bills, made the following Speech to his majesty:

"Most gracious Sovereign;

"Your majesty's most dutiful and loyal subjects, the knights, citizens, and burgesses in parliament assembled, have now finished the supplies granted to your majesty for the service of this present year. Your Commons had much sooner offered these supplies to your majesty, had not their zeal for your majesty's service, and the duty they owe to their country, led them into inquiries which have drawn this session to an unusual length.

"But your Commons could not see, without the utmost indignation, the glories of her late majesty's reign tarnished by a treacherous cessation of arms, the faith of treaties violated, that ancient probity, for which the English nation had been justly renowned throughout all ages, exposed to scorn and contempt; and the trade of the kingdom given up by insidious and precarious treaties of commerce, whilst the people, amused with new worlds explored, were contented to see the most advantageous branches of their commerce in Europe lost, or betrayed.

"Such was the condition of this kingdom, when it pleased the divine Providence to call your majesty to the throne of your ancestors, under whose auspicious reign your Commons with pleasure beheld the glories of the Plantagenets (your majesty's royal ancestors) revive; and have an unbounded prospect of the continuance of this happiness, even to the latest posterity, in a race of princes lineally descended from your majesty.

"And that nothing might be wanting on the part of your Commons, to establish your majesty's throne on solid and lasting foundations, they have applied themselves, with unwearied diligence, to vindicate the honour of the British nation, and to restore a mutual confidence between this kingdom and its ancient and faithful allies, by detecting the authors of these pernicious counsels, and the actors in these treasonable designs, in order to bring them to justice, by the judgment of their peers, according to the law of the land, and the usage of parliament.

"It was not to be expected, but that the enemies to the nation's peace, would use their utmost endeavours to obstruct your Commons in these inquiries; but despairing of any success in the representative body of the kingdom, they fomented tumults among the dregs of the people at home, and spirited up the Pretender to an Invasion from abroad. This gave your faithful Commons fresh opportunities of shewing their affection to your majesty's person, and their fidelity to your government, by their unanimous concurrence in granting such supplies as were sufficient to disappoint the one, and by their passing such laws as were necessary to suppress the other, and, in every respect, to express their abhorrence of a popish Pretender, concerning whom, nothing remains unsuspected but his bigotry to superstition, and his hatred to our holy religion; for the advancements of which your majesty has expressed your pious care, by recommending to your Commons the providing maintenance for the ministers, who are to officiate in the new churches. This your Commons readily complied with, trusting, that the prayers there offered to the Almighty, will bring down a blessing on all your majesty's undertakings: and not doubting, but that the doctrines there taught, will be a means to secure the quiet of your kingdoms, and the obedience of your people.

"The revenue set apart for the uses of the civil government, your Commons found so much intangled with mortgages and anticipations, that what remained, was far from being sufficient to support the honour and dignity of the crown: this your Commons took into serious consideration, and being truly sensible, that on your majesty's greatness the happiness of your subjects entirely depends, they have put the civil revenues into the same state, in which they were granted to your majesty's glorious predecessor, king William, of immortal memory: and thereby enabled your majesty to make an ample provision for the Prince of Wales, whose heroic virtues are the best security of your majesty's throne, as his other personal endowments are the joy of all your faithful subjects.

"I should but ill discharge the trust reposed in me by the Commons, did I not lay before your majesty, with what cheerfulness they received your majesty's gracious intentions for her royal highness the Princess; and with how much readiness and unanimity they enabled your majesty to settle a revenue suitable to the dignity of a princess, whose piety, and steady adherence to the Protestant Religion, is the glory of the present age, and will be the admiration of all future generations.

"May it please your majesty; The bills which the Commons have prepared to complete the supplies for this year's service, and for the

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deemed it necessary that government should not appear afraid to arrest such an offender, let his rank or connexions be what they might, and moved accordingly to have him taken into custody. Near ten minutes passed in silence before any one ventured to agree with him; when at last, two or three rose at the same moment to second him, and the arrest was decreed. As the king retired into his closet, he took hold of lord Townshend's hand, and said, 'You have done me a great service to-day.' Coxe's Walpole.

other purposes I have mentioned, are severally intitled,—1. 'An Act to enable his majesty to 'settle a Revenue for supporting the dignity of 'her royal highness, &c.—2. An Act for en- 'larging the capital stock and yearly fund of the 'South Sea Company, &c.—3. An Act for 'making provision for the Ministers of the fifty 'new Churches, &c.' Which they with all humility now present to your majesty for your royal assent."

After this, his majesty gave the royal assent to the three Bills before mentioned, as also to six more public, and to nine private bills.

The Kings Speech at the Adjournment.] Then his majesty was pleased to declare from the throne, that he had ordered the Lord Chancellor to deliver his majesty's Speech to both houses of parliament, in his majesty's name and words, which he did accordingly, as follows:

"My Lords and Gentlemen;

"I am persuaded you are all by this time very desirous of some recess, and that it cannot be deferred longer, without great inconvenience to your private affairs.

"But before I part with you, I must return you my most sincere thanks for your having finished, with so much wisdom and unanimity, what I recommended to your care; and particularly I must thank you, gentlemen of the House of Commons, for the provision you have made, as well for the support of the honour and dignity of the crown, as for the other necessary occasions of the public; especially for your having done it by means so little burthensome to my people; which, I assure you, recommends the supplies to me above any other circumstance whatsoever.

"My Lords and Gentlemen;

"The open and declared rebellion, which is now actually begun in Scotland, must convince all, who do not wish to see us given up into the hands of a popish Pretender, of the dangers to which we have been, and are still exposed.

"I thought it incumbent upon me, to give you the earliest notice of the designs of our enemies, and I cannot sufficiently commend the zeal and dispatch with which you impowered me, at a time when the nation was in so naked and defenceless a condition, to make such preparations as I should think necessary for our security. You shall have no reason to repent of the trust and confidence you repose in me, which I shall never use to any other end than for the protection and welfare of my people.

"It was scarce to be imagined, that any of my protestant subjects, who have known and enjoyed the benefits of our excellent constitution, and have heard of the great dangers they were wonderfully delivered from by the happy Revolution, should, by any arts and management, be drawn into measures that must at once destroy their religion and liberties, and subject them to popery and arbitrary power; but such has been our misfortune, that too many of my people have been deluded, and made instrumental to the Pretender's designs, who had never dared to think of invading us, or raising a rebellion, had he not been encouraged by the success his emissaries and adherents have already had in stirring up riots and tumults, and by the farther hopes they entertain for raising insurrections in many parts of my kingdoms.

"The endeavouring to persuade my people, that the church of England is in danger under my government, has been the main artifice employed in carrying on this wicked and traitorous design. This insinuation, after the solemn assurances I have given, and my having laid hold on all opportunities, to do every thing that may tend to the advantage of the church of England, is both unjust and ungrateful. Nor can I believe so groundless and malicious a calumny can make any impression upon the minds of my faithful subjects, or that they can be so far misled as to think the church of England is to be secured by setting a popish Pretender on the throne.

"My Lords and Gentlemen;

"The proofs this parliament has given of their unshaken duty and affection to me, and of their love and zeal for the interest of their country, will recommend you to the good opinion and esteem of all who have their religion and liberty truly at heart, and has laid a lasting obligation upon me; and I question not, but by your farther assistance in the several countries to which you are going, with the blessing of Almighty God, who has so frequently interposed in favour of this nation, I shall be able to disappoint and defeat the designs of our enemies.

"Our meeting again to do business early in the next winter will be useful on many accounts; particularly, that the sitting of parliaments may be again brought into that season of the year which is most convenient, and that as little delay may be given as is possible to your judicial proceedings: And I shall, at present, give such orders to my Lord Chancellor, as may not put it long out of my power to meet you, on any sudden occasion."

Then the Lord Chancellor, having received directions from his majesty, returned to his place; and said,

"My lords and gentlemen; It is his majesty's royal will and pleasure, that both Houses should forthwith severally adjourn themselves to Thursday the 6th of October next."

October 6. The parliament being met at Westminster pursuant to their last adjournment, Mr Secretary Stanhope acquainted the House, That it was the King's pleasure, that the parliament should be adjourned for a fortnight; and therefore desired that the House would adjourn itself until the 20th of October, which the House did accordingly.

October 20. Mr. Secretary Stanhope acquainted the House with his majesty's pleasure, that the parliament be adjourned until the 5th of November. Upon which the Commons adjourned themselves to that day, and afterwards to November 21st, and then to December 14, at his majesty's desire.

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December 14. The Commons ordered, That sir Edward Northey be added to the Committee of Secrecy, in the room of sir Richard Onslow, bart. who had accepted the place of one of the tellers of his majesty's exchequer, and was not rechosen. It was ordered likewise, That Mr. Speaker do write circular letters to all the Sheriffs of the kingdom, to summon the members in their respective counties to attend the service of the House upon the 9th of January: After which Mr. Secretary Stanhope acquainted the House, that he had a message from his majesty to this House, signed by his majesty, which he delivered to Mr. Speaker, as follows, viz.

"G. R.

"His majesty understanding, that many, both of the House of Lords and Commons, are detained in the country, as well by their private as the public business; and the holidays being now so near, during which there is usually a recess, it is his majesty's pleasure, that the parliament adjourn to Monday the 9th day of January next, at which time his majesty intends the parliament shall sit to do business."

Then the House accordingly adjourned till Monday the 9th of January.

The King's Speech to both Houses respecting the Rebellion.] January 9, 1716 The Parliament being met at Westminster, the king went to the House of Peers, and the Commons being sent for up, and attending, the lord Chancellor read his majesty's Speech to both Houses, as follows:

"My Lords and Gentlemen;

"The zeal and affection to my government, and the vigilant care for the safety of the nation, which you have shewn in your respective counties, have not only fully answered my expectations, but give me assurances that you are met together resolved to act with a spirit becoming a time of common danger, and with such a vigour, as will end in the confusion of all those who have openly engaged in this Rebellion, and in the shame and reproach of such as by secret and malicious insinuations, have fomented, or by an avowed indifference encouraged this traiterous enterprize.

"It is, I doubt not, a great satisfaction to you to have observed, that the powers you intrusted me with for the preservation of the public safety, have been employed in the most proper and effectual manner, and made strictly subservient to those purposes only for which you intended them; and you must have had the pleasure to reflect with me, that as the measures taken for our defence, have been just and necessary, so it has pleased the divine Providence to bless them with a series of suitable success: and I cannot but take this opportunity of doing justice to the officers and soldiers of the army, whose brave and faithful discharge of their duty, has disappointed our enemies, and contributed so much to the safety of the nation.

"I did hope, that the detecting and preventing the designed insurrections in some parts of the kingdom, and the defeating in others, those who had taken up arms against me, would have put an end to this rebellion; but it is plain that our enemies, animated by some secret hopes of assistance, are still endeavouring to support this desperate undertaking; and the Pretender, as I have reason to believe, is now landed in Scotland.

"It is however with pleasure I can acquaint you, that notwithstanding these intestine commotions, Great Britain has, in some measure, recovered its influence and reputation abroad. The treaty for setting the barrier for the Netherlands is now fully concluded between the emperor and the States General, under my guaranty: the king of Spain has agreed to a treaty, by which that valuable branch of our commerce will be delivered from the new impositions and hardships, to which it was subjected by the late treaties; and will stand settled, for the future, on a foot more advantageous and certain than it ever did in the most flourishing time of any of my predecessors; and the treaty for renewing all former alliances between the crown of Great Britain and the States General is brought very near to its conclusion.

"Gentlemen of the House of Commons;

"I must rely on your affection to me, and your care and concern for the safety of the nation, to grant me such supplies as may enable me to restore, and to secure, the peace of the kingdom; and I will order estimates of the necessary expences to be laid before you.

"Among the many unavoidable ill consequences of this rebellion, none affects me more sensibly than that extraordinary burden, which it has and must create to my faithful subjects: to ease them as far as lies in my power, I take this first opportunity of declaring, That I will freely give up all the estates that shall become forfeited to the crown by this rebellion, to be applied towards defraying the extraordinary expence incurred on this occasion.

"My Lords and Gentlemen;

"It is a matter of the greatest uneasiness to me, that the first years of my reign, the whole course of which I wished to have transmitted to posterity, distinguished by the fair and endearing marks of peace and clemency, should be clouded and overcast with so unnatural a rebellion; which, however impotent and unsuccessful a one care may render it in all other respects, does most sensibly afflict me, by the calamities it has brought on many of my faithful subjects, and by those indispensable returns of severity, which their sufferings, and the public safety, do most justly call for. Under this concern, my greatest comfort is, that I cannot reproach myself with having given the least provocation to that spirit of discontent and calamity that has been let loose against me; or at least the pretence for kindling the flame of this Rebellion.

"Let those whose fatal counsels had the

foundation of all these mischiefs, and those whose private discontents and disappointments, disguised under false pretences, have betrayed great numbers of deluded people into their own destruction, answer for the miseries to which they have involved their fellow-subjects. I question not, but that, with the countenance of God's blessing, who alone is able to form good out of evil, and with the cheerful assistance of my parliament, we shall, in a short time, see this rebellion end, not only in restoring the tranquility of my government, but in procuring a firm and lasting establishment of that excellent constitution in church and state, which it was manifestly designed to subvert; and that this open and flagrant attempt in favour of Popery, will abolish all other distinctions among us, but of such as are zealous assertors of the liberties of their country, the present establishment, and the Protestant religion, and of such as are endeavouring to subject the nation to the revenge and tyranny of a Popish Pretender."

The Lords' Address thereon.] The Lords agreed upon the following Address:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, do return our most unfeigned thanks to your majesty, for your most gracious speech from the throne; and do, with great joy, lay hold of this opportunity to congratulate your majesty on the successes with which it has pleased Almighty God to bless your majesty's arms and counsels, against the rebels.

"We are so truly sensible of the happiness which the nation enjoys under your majesty's government, that we should be wanting to our own interest, as well as to the duty we owe to your majesty, did we not exert ourselves with the utmost spirit and vigour in the present time of danger to the confusion of all such as are either actors or abettors in the present wicked and unnatural rebellion, and to the reproach of those who affect to appear lukewarm or indifferent in the cause of their king and country.

"Our satisfaction, in observing the just and wise use of that power with which the parliament entrusted your majesty in this great conjuncture, can be equalled by nothing but our joy for those remarkable successes which have been the natural consequences of it.

"We cannot sufficiently praise the fidelity and bravery which your army have shewn on this occasion; and assure ourselves, that all your faithful subjects, who are influenced by the same principles of honour and duty, will be as active, in their several stations, to promote the service of your majesty, and the safety of the public.

"The landing of the Pretender in Scotland will only serve to animate this our zeal for your majesty; and we doubt not but it will prove his last effort for disturbing the peace of your majesty's reign.

"We are highly sensible of the security and honour which redounds to the nation, by the treaty for settling the barrier in the Netherlands under your majesty's guarranty; and of the advantages which will accrue to your subjects, by the treaty of commerce with Spain; and by the negociations which are now on foot, for the renewing of all alliances with the ancient and faithful friends of this kingdom, the States General.

"It is with equal pleasure and astonishment, that we see your majesty has been able, in a time of intestine troubles, to recover, in a great measure, the reputation and commerce of the British nation; and that you have gained more advantageous terms of trade for your subjects, than what were procured by any of your royal predecessors, who had so much fairer opportunities of demanding them.

"We want words to express our gratitude to your majesty for your gracious and unparalleled resolution, to give up all the estates, that shall become forfeited by the rebellion, to the use of the public: and promise ourselves that all your faithful subjects, will, with great cheerfulness, do their part towards enabling you to restore and secure the peace of the kingdom, to which your majesty contributes in so generous a manner, out of the profits inherent to your crown and royal dignity.

"That endearing tenderness and clemency, which your majesty expresses towards all your subjects, very much aggravates the guilt of those, who have taken up arms, against so good and gracious a sovereign; and we cannot think, without the utmost horror, of those who rebel against a prince of so much goodness, or spread falsehoods and calumnies against your sacred person, at the same time that you are studying to advance their welfare and happiness.

"We cannot desire a greater instance of this your majesty's affection to your people, than the sense which your majesty expresses of those, whose evil counsels laid the foundation of all our mischiefs, and whose self interested views, have deluded such numbers of unwary men into their own destruction.

"We heartily pray Almighty God, that he may grant your majesty a long and happy reign over us, and bless your endeavours with success, for the procuring of a firm and lasting establishment of our excellent constitution in Church and State. And as we shall always oppose the attempts of such men, as would subject the nation to the revenge and tyranny of a popish Pretender; so we shall always value beyond any honours or titles we can enjoy, the character of being faithful subjects to your majesty, zealous assertors of the liberties of our country, the present establishment, and the Protestant Religion."

The King's Answer.] January 11. The King returned the following Answer thereto:

"My Lords;

"I thank you heartily for this dutiful and loyal Address. I depend entirely upon the assurances you give me; and shall ever steadily pursue such measures, as may best support the constitution in church and state; and I doubt not but, by the blessing of God, and your assistance, I shall defeat the designs of our enemies."

Mr. Lechmere's Speech for an Impeachment of the Rebel Lords.] The Commons being returned to their House, and having unanimously resolved on an Address of Thanks to his majesty, sent to the Lords to desire them to continue sitting for some time. This Message was carried by

Mr. Lechmere, who having reported to the House, that the Lords consented to do so, made a speech to the following effect:

"That after the general assurances the House had given to his majesty, one moment ought not to be lost, without taking some effectual step towards making them good: that the first and great concern was, to put an end to this rebellion: not only to quiet the present commotions, but to extinguish the very possibility of their being renewed; that for these ends every gentleman would agree to strengthen the hands of the king in such a manner, as would enable him speedily and effectually to complete this work: that the House would do this with absolute cheerfulness, from the certain knowledge and experience they had of the wisdom and justice of his majesty, who would make no other use of any confidence his parliament should repose in him, than to promote the common welfare of his people; and that whatever extraordinary assistance the present juncture of affairs should require, would be continued no longer than the public necessity called for: that the next useful and necessary step, was the national justice, which was incumbent on this house, in duty to the king, as well as in justice to the people: and as ungrateful and disagreeable a part as this must be, yet, when the design of the enemy was become so desperate, and so avowed, as to strike at the crown upon the king's head, and to involve the nation in the calamities of a civil war, the House could not exert themselves too early, nor with too much vigour; and that as the House acquitted itself on this occasion, he promised himself the effect would be answerable: that the spirit which should be shewn in this instance, would animate the friends of the government, both at home and abroad; and the terror it must strike on our enemies, would be equal at least, and contribute as much to the common safety, as any other preparation that had or could be made. He wished he could say or think, that this rebellion was the project of those only, who appeared to head it; or that it was the result of the weak or rash counsels of those who publicly avowed it: he wished he could say, that it was the work of Papists only, or of those protestants who were wicked or weak enough openly to join in it. He wished he could say, that it was a plot but of yesterday, and that it had taken no deeper root than ordinary appearances would lead to suspect; but he thought it plain, that it was the effect of many years labour, of the joint and united labour of great numbers, both protestants and papists, the plain and necessary consequence of the measures which had been carrying on for some years last: that to frame a right judgment of the nature of this rebellion, he thought it necessary for the House to look back, and consider the natural tendency of the public proceedings of late years, and the connection they bore with the present unfortunate state of things: when men in sacred functions suffered themselves to become state instruments, and the great merit of such men was, under the pretence of asserting the doctrines of the church of England, to condemn the Revolution, he could never understand any other design or tendency from those practices, than to undermine the foundation of the Protestant succession. He remembered it was said upon a very solemn occasion, by a very honourable gentleman, 'That the condemning the late happy Revolution, could have no other meaning, 'than to make way for another:' That however wicked and dangerous these practices were, they made too great an impression, and contributed a great deal to the present calamity: that as the designs of the enemy grew more avowed, state-principles of another kind were advanced, which still conduced to the same end: that it was well known what industry was used to inculcate the notions of hereditary right to the crown, in opposition to the settlement which had been made of it in the house of Hanover, by the authority of Parliament, and with no other view, than to weaken that settlement: that every one remembered what extraordinary pains were taken to poison the people with this dangerous notion; and that those who made the best court to men in power, were such who espoused this opinion in the most notorious manner: that he could not forget with what tenderness a certain divine of the church of England was treated below stairs, whilst under prosecution for the most impudent libel ["The "Hereditary Right asserted," &c.] that ever was published against any government, that had either will or power to maintain itself. He thought the punishment that was inflicted on that gentleman light enough, but he could not avoid taking notice of a remarkable passage, which then alarmed every thinking man, and will, one time or other, deserve the consideration of this House, viz. the Order from the government, countersigned by a secretary of state, to the judges of the Queen's Bench, after the judgment passed, to supersede the ignominious part of the punishment, by reason of the sacred function of the criminal; by which the most unexampled and dangerous distinction was introduced; and which proceeding could bear no other construction, than as a license and protection, even from the government, to men in holy orders, to propagate that destructive position

with impunity; and the character of the person, which ought in justice to have aggravated his guilt, and heightened the punishment, became his indemnity against the reproach of it, even by the authority of the government itself. He remembered in what manner every thing of that nature was treated in Westminster-hall; what severities were exercised against those persons who had courage enough to assert the interest of their country, and of the Protestant succession, at the same time that the patrons of hereditary right enjoyed all indulgences. That he mentioned these things on no uncertainties, having been an eye-witness of them himself, and it having fallen to his share to bear some part in them: that this was one of the most successful parts of the scheme of those who had fixed their eyes on the Pretender. that the House need not be told how far it had operated to the prejudice of the Protestant succession. That he could give many other instances of this kind; all which promoted the same end. The gross distinctions that were coined to elude the oaths that had been made for the security of the government; the endeavours that were used to possess the people with false fears of the danger of the Church; and the little care that was taken, to say no worse of it, to instil into the youth of the kingdom, such principles as were consistent with the true interest either of Church or State. That he looked upon these things which he had mentioned, to be the foundation of the scheme that was now, by this Rebellion, carrying on into execution; and he owned, that in this respect, the authors of it were wise in their generation; for by these arts, the very principle on which the Protestant succession is founded, was shaken; and though the methods of doing it were base and vile, yet the dissatisfaction and uneasiness that was created by them in the minds of the people, made way for the change that was desired. That he craved leave of the House, to put them in mind of other parts of this scheme, that was carrying on at the same time. The enemies to the present government judging aright for their own purpose, by all methods to attack the consciences of the people, as to the legality and justice of the settlement of the crown in the house of Hanover, they thought it necessary, at the same time, to disable, as far as they could, those persons who had been most remarkable for their services in the support of it. That the great effort was made at that great man, [the duke of Marlborough] who is not only the honour and ornament of his country, but the glory of the age he lives in. He added, he thought he should not be suspected of flattery at this time, nor, as he believed, at any time, with respect to that great man. That many who then heard him, remembered the part he took in vindication of that great man, whilst his character was under debate in this House. That he could not forget the rage and inveteracy with which he was pursued; nor how much stress was laid upon obtaining the censures of Parliament upon him: that the aspersions then thrown upon him, did not hurt that great man; and whatever endeavours may at any time be used to lessen him, will hurt none but those that shall promote them; but yet those vain endeavours were a very useful part of the scheme then carrying on. It was a necessary step for those men to put him out of the way, whose very name and appearance, at that time, would have been sufficient to raise armies in favour of the Protestant succession, and the liberties of his country: but he could not but observe, that as serviceable as it was for the measures of those men to wound his character, it was now a reproach to the kingdom, that those groundless aspersions, which had been cast upon him, should remain upon the journals of the Parliament. That another great lord, [the lord viscount Townshend] fell under the violence of those times, whose prosecution was attended with uncommon fury. That himself had some share in justifying that great man in this House, when he was vexed an enemy to his country. That he observed at that time, and the event has made it evident, that the Barrier was but the pretence, and the great services he had done to the Protestant succession, was the true provocation which drew that rage upon him. That two other honourable gentlemen, [Mr. Secretary Stanhope and Mr. R. Walpole then sitting near him,] had felt the severity of those times; they had distinguished themselves by their zeal and firmness to the true interest of their country, and were too considerable to escape the malice of those who had other views. That those proceedings, how uncertain soever the design of them might appear while they were transacting, have been sufficiently explained by what has followed. That the name of that general, for whose immediate service the great man first mentioned, was blemished, and for whom there was vanity enough to make him his rival, is now become the reproach of his family and country: He avows the service of the Pretender, and ere long we may hear of him at the head of an expedition for establishing Popery and arbitrary power. That the secretary of state, who distinguished himself in the pursuit of the other great lord; has sufficiently explained his designs to the whole world; and the next tidings that we may expect from abroad, is, that he has taken upon him the character of a minister to the Pretender. That he looked upon the disabling the great asserters of the Protestant interest, to be a second, and no small part of the scheme; and while these things were carrying on, their little engines and tools were carrying on their work in Westminster-hall. That every man who favoured the Hanover succession, was to be worried, and all open and scandalous asserters of contrary principles, were treated with all the care and tenderness of friends. Charters of corporations were attacked in a more unprecedented and dangerous manner, than in former times, when practices of that kind were most justly complained of, and no reason was left unattempted to strengthen them-

selves in that respect. That he would not then trouble the House any more upon that head, having some thoughts, ere long, to present them with a small collection of things of that kind, for their serious consideration. That the master-strokes of this grand scheme, were yet behind. That the surest way to destroy the government, has been always thought to be by its own hands, that is, by the authority and power of parliament. For this purpose a confederacy, by which the liberties of Europe had been so long sustained against the power of France, was broke to pieces by votes that were obtained in this House in the most extraordinary manner. That the honour of the nation, the balance of power, and the Protestant interest in Europe, were effectually given up in the negociations and conclusion of the peace, by which France was restored to its ancient and formidable state; and every body remembered how near they were, by the same influences, to have given up the whole trade of the nation, to the interest of the French king, who, after that, had no suitable return left for him to make for such services, but to bestow upon them a Pretender, bred up in his own faith, and in his own politics. That nothing could have obstructed this, but the many miraculous Providences that immediately followed, when his power throughout Europe was uncontestible; and, by the measures that had been taken, the Protestant succession had scarce a friend left in the world. That the king's accession to the throne, accompanied by so many providential circumstances, as it disappointed the immediate execution of the scheme, so it quieted the spirit of those men for some time. That if the House would make a right judgment of the present Rebellion, they must compare the steps that immediately preceded it, with those that were taken in the last reign, when the hope was to have brought about the same end without a stroke. That the same endeavours soon appeared to propagate the same principles, both in church and state; and those endeavours, though at first not so open, were yet as restless to create dissatisfaction against his majesty's government, as they had been before to prevent its taking place. As the encouragement grew stronger, tumults and riots were universally fomented; and it was well known from what quarter they rose, and against whom they were levelled; but yet no one instance has been assigned, throughout his administration, that could offend or provoke any but a Jacobite spirit. That his majesty has done more for the honour of the church, and the true interest of his kingdom, than any of his predecessors, in three times the number of years. That his personal virtues, and the wisdom and steadiness of his government have retrieved the honour and reputation of his kingdoms, which had been so shamefully lost: That his weight and influence abroad, and the credit he has obtained in all the known parts of the world have already procured the settlement of the matters in difference between the two chief powers of Europe, from whom alone we can expect assistance in times of danger. That no single instance can be assigned of hardship or oppression to any one of his subjects, or that can give a just reason of dissatisfaction; but on the contrary, those who have shewn the greatest aversion to his government, have received the kindest invitations, and enjoyed the highest indulgences from him; that if any errors may have been committed in any parts of the administration, during the present disorders, every honest man ought to judge of them by this one rule, that is, the plain design for which all measures are calculated, which every body must admit to be the preservation of the Protestant succession: That all incidents of such an administration ought to be covered or justified by the interest that shall appear to be carried on throughout the whole: That by the same rule of justice, when the destruction of the common interest was the plain intention of the late administration, the greatest weight ought to be laid on every little circumstance that attended, in order to obtain a public satisfaction. That by taking in all these considerations, he thought the House would make a full and right judgment of the nature of this Rebellion; from whence it took its rise, how deep it had taken root, to what influences it was owing, and how far it extended; That the part the lord Derwentwater and others, had taken in it, were to be considered as the first symptoms of that general disorder, for which so much foundation was laid; for which reason, he thought that the House could not consider this otherwise, than as the cause of the nation, in the strongest manner. That in justice to the king, as well as to the people, they ought to take this into their own hands, and not to entrust the prosecution of it with any body but themselves. That every body knew to what hazards prosecutions in the ordinary course of justice, were liable, though they were never so well concerted by those whose business it was to carry them on: but how sure soever this success might be, in a case so notorious as this, yet it was obvious to every body of what different weight and influence the prosecutions of parliament were, from those in the ordinary forms. That he owned he was surprised that any measures had been taken of that kind, against the Peers who had been taken in open rebellion, a parliament sitting, which had shewed so much zeal, and had contributed so much to the preservation of the government, especially at a time when the crown on the king's head was fighting for. That he very well knew, that though the House of Commons right of impeaching criminals was unlimited, yet they would exercise that power by the rules of wisdom and discretion, and not engage in trivial matters, but in such only, where the offenders were not within the reach of the ordinary justice, or the nature of their crimes such as were not fit to be meddled with by the ordinary jurisdictions. That the case of the lords taken in rebellion was indeed notorious, and

of which the proof would be easy; but though not from the difficulty of the prosecution, yet from the weight and consequence of it, he thought he need say little more to convince the House, to make it their own prosecution, by which they engaged every commoner in Great Britain, as an immediate party against those who had carried a war into the bowels of the kingdom. That no instance ever had risen in the English history, where their ancestors had permitted a prosecution of this kind, against the chief actors, to be carried any where but in full Parliament. That the five Popish lords were pursued by the loud voice and weight of the Commons of England; and though at that time the nation was in peace, they would not permit the fate of those prosecutions to depend on the care or skill of those who are versed in the ordinary forms of justice; and their success was answerable. That he owned his desire, upon all occasions to raise the honour and authority of parliaments, which he thought the greatest support of the honour and the prerogatives of the crown; for which reason, he took this occasion to speak more fully to the nature of impeachments, and the rather, because he apprehended some gentlemen had mistaken notions concerning them: that the power of impeachments was the most valuable and useful privilege that belonged to the body of the Commons, at least equal to that of giving money, which belongs solely to them. That gentlemen need not be apprehensive of any intricacies in those proceedings, especially at a time, and upon an occasion, when there was no doubt of the concurrence of both Houses. That the Impeachments were in themselves more plain, regular, and disentangled, than any other forms of justice. That they were particularly excepted out of the late statute of treasons, which had very much fettered the ordinary course of proceedings. That Impeachments were never made difficult, but when they were carried on against the inclination of the crown, or at a time when there was no good understanding between the two Houses; when little occasions might be sought to raise disputes, and interrupt them; or else when they are undertaken, before they are well considered; which could not be the present case. That there was another reason, which upon this occasion should determine gentlemen into this method; which was the consequence of the judgment that should be obtained against those Lords; he asserted it as his clear opinion, and which he thought he could maintain, That no pardon under the Great Seal could discharge a judgment obtained upon the Impeachment of the Commons, that this opinion had been strenuously asserted in this House in former reigns; and he thought it not weakened by the declaration in the Act of Settlement of the crown upon the House of Hanover. That he had heard of a very new distinction that had been coined without doors, to avoid this opinion, viz. 'That the pardon 'was not pleadable in bar of the impeachment, 'and to prevent the Commons from examining 'into the offence; but that it was pleadable 'after judgment, and in bar of execution.' That whenever that question should come properly before them, he undertook to shew the idleness and absurdity of that distinction; that if that distinction was framed to make court to the prerogative, he thought it the most false and destructive piece of flattery of the kind, that ever had been raised. That it was the greatest ease, security, and support of the crown in his opinion, instead of any diminution of it, that no such power should be lodged there, to be exercised on any occasion, to prevent the possibility of the crown's being wrought upon by any influences to defeat the judgment given in full parliament, with the concurrence of both Houses, against the highest offenders, which must inevitably create the greatest jealousy, and cause the highest dissatisfactions between the crown and the people: for this reason, he took it to be the greatest advantage to the crown, that the constitution of the kingdom had not, as he thought, invested it with any such power; and on the other side it would clearly appear, that such a power was utterly inconsistent with the fundamental rights of parliament. That he owned he was surprised to hear, that any such distinction should be started at this time: but if the law was as he apprehended it to be, it was the strongest reason for the Commons to interpose in this prosecution, to defend the crown from the many importunities to which it would be subject in the ordinary course of justice; and that the weight of the prosecution, and the consequences of it, should be borne by the Commons, as it ought to be in a case so national as this. That if gentlemen wanted any other motives to induce them to make this prosecution their own, he had a paper in his hand which would fire the thoughts of every gentleman there, [meaning the Pretender's Declaration.[a]] That nobody could read, without

[a] The Pretender's DECLARATION was in the following terms:

"J. R.

"James 8, by the grace of God, of Scotland, England, France, and Ireland, king, defender of the faith, &c. to all our loving subjects of what degree or quality soever, greeting. As we are firmly resolved never to omit any opportunity of asserting our undoubted title to the imperial crown of these realms, and of endeavouring to put ourself into the possession of that right, which is devolved upon us by the laws of God and man; so must we, in justice to the sentiments of our own heart, declare, that nothing in this world can give us so great satisfaction, as to owe to the endeavours of our loyal subjects, both our and their restoration to that happy settlement, which can alone deliver this church and nation from the calamities which they lie at present under, and from those future miseries, which must be the consequences of the present usurpation. During the life of our dear sister of glorious

the utmost indignation, the personal indignities that were therein cast upon the best of princes, whose title to the crown, they were bound by all the ties of duty, affection, and interest, to maintain. That the House could do no less than to resent this so far, as to make themselves the prosecutors of those who avowed the cause of the Pretender, and set themselves at the head of armies, in the heart of the king's dominions. That in this paper, the House

memory, the happiness which our people enjoyed, softened in some degree the hardship of our own fate; and we must further confess, that when we reflected on the goodness of her nature, and her inclinations to justice, we could not but persuade ourself, that she intended to establish and perpetuate the peace, which she had given to these kingdoms, by destroying for ever all competition to the succession of the crown, and by securing to us at last the enjoyment of that inheritance, out of which we had been so long kept, which her conscience must inform her was our due, and which her principles must lead her to desire, that we might obtain.

"But, since the time when it pleased Almighty God to put a period to her life, and not to suffer us to throw ourself, as we then fully proposed to have done, upon our people, we have not been able to look on the present condition of our kingdoms, or to consider their future prospect, without all the horror and indignation, which ought to fill the breast of every Scotsman.

"We have beheld a foreign family, alien to our country, distant in blood, and strangers even to our language, ascend the throne

"We have seen the reins of government put into the hands of a faction; and that authority, which was designed for the protection of all, exercised by a few of the worst, to the oppression of the best and greatest number of our subjects. Our sister has not been left at rest in her grave; her name has been scurrilously abused; her glory, as far as in those people lay, insolently defaced, and her faithful servants inhumanly persecuted. A parliament has been procured by the most unwarrantable influences, and by the grossest corruption, to serve the vilest ends. And they, who ought to be the guardians of the liberties of the people, are become the instruments of tyranny. Whilst the principal powers engaged in the late war enjoy the blessings of peace, and are attentive to discharge their debts, and ease their people; Great Britain, in the midst of peace, feels all the load of a war. New debts are contracted; new armies are raised at home; Dutch forces are brought into these kingdoms; and by taking possession of the duchy of Bremen, in violation of the public faith, a door is opened by the usurper to let in an inundation of foreigners from abroad, and to reduce these nations to the state of a province, to one of the most inconsiderable provinces of the empire.

"These are some few of the many real evils, into which these kingdoms have been betrayed, under pretence of being rescued and secured from dangers purely imaginary. And these are the consequences of abandoning the old constitution, as we persuaded ourselves; very

many of those, who promoted the present unjust and illegal settlement never intended.

"We observe, with the utmost satisfaction, that the generality of our subjects are awakened with a just sense of their danger; and that they shew themselves disposed to take such measures, as may effectually rescue them from that bondage; which has, by the artifice of a few designing men, and by the concurrence of many unhappy causes, been brought upon them.

"We adore the wisdom of the Divine Providence, which has opened a way to our restoration, by the success of those very measures, that were laid to disappoint us for ever. And we most earnestly conjure all our loving subjects, not to suffer that spirit to faint or die away, which has been so unanimously raised in all parts of the kingdom: but to pursue, with all the vigour and hopes of success, which so just and righteous a cause ought to inspire, those methods, which the finger of God seems to point out to them.

"We are come to take our part in all the dangers and difficulties, to which any of our subjects, from the greatest down to the meanest, may be exposed on this important occasion, to relieve our subjects of Scotland from the hardships they groan under on account of the late unhappy union, and to restore the kingdom to its ancient, free, and independent state.

"We have before our eyes the example of our royal grandfather, who fell a sacrifice to rebellion; and of our royal uncle, who, by a train of miracles, escaped the rage of the barbarous and blood-thirsty rebels, and lived to exercise his clemency towards those, who had waged war against his father and himself; who had driven him to seek shelter in foreign lands, and who had even set a price upon his head.

"We see the same instances of cruelty renewed against us by men of the same principles, without any other reason than the consciousness of their own guilt, and the implacable malice of their own hearts. For, in the account of such men, it is a crime sufficient to be born their king. But God forbid, that we should tread in these steps, or that the cause of a lawful prince and an injured people should be carried on like that of usurpation and tyranny, and owe its support to assassins. We shall copy after the patterns abovementioned, and be ready, with the former of our royal ancestors, to seal the cause of our country, if such be the will of Heaven, with our blood. But we hope for better things: We hope, with the latter, to see our just rights, and those of the church and people of Scotland, once more settled in a free, independent Scots parliament, on their ancient foundation. To such a parliament (which we will immediately call)

would see how they were treated themselves: that they were represented as the most illegal and infamous assembly of men that ever met together. That these considerations ought in justice to animate and invigorate their proceedings in every respect, until the inveteracy and insolence of the enemy were entirely subdued: that he did not think that the proceedings of this House ought, in any case, to be governed by vindictive considerations, but by such circumstances only, as from their real weight and consequence called for the interposition of the Commons; that he was sensible that the Commons had a great work upon their hands, upon other Impeachments, which they had thought fit to enter upon, and which were still depending: that he knew also what situation these Impeachments were in; and hoped they would be resumed and carried on in due season, with the same vigour with which they were undertaken: that he likewise believed, that the nation expected that their inquiries upon that head should be extended, and appear to be impartial, it not being possible that a greater dishonour could be brought, or an heavier imputation cast upon, the proceedings of that House, than that of partiality, which could not fail to sink their credit, and to prevent all the good effects that were hoped and expected from them; however he concluded, that every gentleman would agree with him, that the present situation and conjuncture of affairs made it necessary to give the preference to those Lords who had been taken in open rebellion: and thereupon he impeached James earl of Derwentwater of High Treason; which Impeachment he undertook to make good.

The Commons resolve to impeach the Lords Derwentwater, Widdrington, Nithisdale, Wintoun, Carnwath, Kenmure and Nairn of High Treason.] Upon this, the House resolved to impeach the said earl of High Treason; as they did likewise, upon the motions severally made by Mr. W. Pulteney, Mr Boscawen, Mr. Hampden, lord Finch, the earl of Hertford, and Mr. Wortley, to impeach of the same crime, William lord Widdrington, William earl of Nithisdale, George earl of Wintoun, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn. Then Mr Lechmere and the other six members, in pursuance of the commands of the House, carried up an Impeachment to the bar of the House of Lords, in the words following, viz.

"My Lords;

"The Commons of Great Britain in Parliament assembled, having received information of divers Treasons committed by a great Peer of this House, James earl of Derwentwater, have commanded me to impeach the said James earl of Derwentwater of High Treason: and I do here, in their names, and in the names of all the Commons of Great Britain, impeach the said James earl of Derwentwater of High Treason. And I am farther commanded by the House of Commons, to acquaint your lordships that they will, with all convenient speed, exhibit Articles to make good the charge against him."

The other six Impeachments were all in the same form.

ARTICLES OF IMPEACHMENT AGAINST THE EARLS OF DERWENTWATER, NITHISDALE, CARNWATH, AND WINTON; VISCOUNT KENMURE, AND THE LORDS WIDDRINGTON AND NAIRN.] The said seven members being returned to the House, and having reported what they had done, a Committee was appointed, of which Mr. Lechmere was chairman, and ordered to draw up Articles of Impeachment against the seven impeached Lords, which being drawn up accordingly, and agreed to by the House,

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shall we entirely refer both our and their interests, being sensible, that these interests, rightly understood, are always the same. Let the civil as well as religious rights of all our subjects receive their confirmation in such a parliament. Let consciences truly tender be indulged. Let property of every kind be better than ever secured. Let an act of general grace and amnesty extinguish the fears even of the most guilty. If possible, let the very remembrance of all, which have preceded this happy moment, be utterly blotted out, that our subjects may be united to us, and to each other, in the strictest bonds of affection as well as interest.

"And that nothing may be omitted, which is in our power to contribute to this desirable end, we do, by these presents, absolutely and effectually, for us, our heirs and successors, pardon, remit, and discharge, all crimes of high treason, misprision of treason, and all other crimes and offences whatsoever, done or committed against us, or our royal father, of blessed memory, by any of our subjects, of what degree or quality soever, who shall, at or after our landing, and before they engage in any action against us, or our forces, from that time, lay hold of mercy, and return to that duty and allegiance, which they owe to us, their only rightful and lawful sovereign.

"By the joint endeavours of us and our parliament, urged by these motives, and directed by these views, we may hope to see the peace and flourishing estate of this kingdom in a short time restored; and we shall be equally forward to concert with our parliament such further measures, as may be thought necessary for leaving the same to future generations.

"And we hereby require all sheriffs of shires, stewarts of stewarties, or their deputies, and magistrates of burghs, to publish this our declaration, immediately after it shall come to their hands, in the usual places and manner, under pain of being proceeded against for failure thereof, and forfeiting the benefit of our general pardon.

"Given under our sign manual and privy signet, at our Court of Commercy, the 25th day of October, and in the 15th year of our reign.

I have acknowledged these seven [illegible]

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were carried to the Lords by Mr. Lechmere. They are as follows:

ARTICLES OF IMPEACHMENT of High Treason exhibited against JAMES Earl of DERWENTWATER, WILLIAM Lord WIDDRINGTON, WILLIAM Earl of NITHISDALE, GEORGE Earl of WINTON, ROBERT Earl of CARNWATH, WILLIAM Viscount KENMURE, and WILLIAM Lord NAIRN.

"Whereas for many years last, a most wicked design and contrivance has been formed and carried on, to subvert the ancient and established government and the good laws of these kingdoms, to extirpate the true Protestant religion therein established, and to destroy its professors, and, instead thereof, to introduce and settle Popery and arbitrary power; in which unnatural and horrid conspiracy, great numbers of persons of different degrees and qualities have concerned themselves and acted; and many Protestants pretending an uncommon zeal for the church of England, have joined themselves with professed Papists, uniting their endeavours to accomplish and execute the aforesaid wicked and traiterous designs.

"And whereas it pleased Almighty God, in his good Providence, and in his great mercy and goodness to these nations, to crown the unwearied endeavours of his late majesty king William the3d, of ever glorious memory, by making him the instrument to procure the Settlement of the Crown of these realms to the illustrious house of Hanover, as the only means, under God, to preserve our religion, laws, and liberties, and to secure the Protestant interest of Europe, since which happy establishment, the said conspirators have been indefatigable in their endeavours to destroy the same, and to make way for the vain and groundless hopes of a spurious impostor and Popish Pretender to the imperial crown of these realms; and, to accomplish these ends, the most immoral, irreligious, and unchristian-like methods, have been taken; but more particularly in the last years of the reign of the late queen Anne, during which time all imaginable endeavours were used by the said conspirators to prejudice the minds of the subjects of this realm against the legality and justice of the said settlement of the crown: and, for that purpose, the holy Scriptures were wrested, and the most wholesome doctrines of the church of England perverted and abused, by men in holy orders, in the most public and scandalous manner, in order to condemn the justice of the late happy Revolution, and thereby to sap and undermine the foundation of the said happy establishment, and the most notorious instruments of these wicked purposes were countenanced by particular marks of public favour and distinction; false and dangerous notions of a sole hereditary right to the imperial crown of these realms were propagated and encouraged by persons in the highest trusts and employments, contrary to the ancient undoubted and established laws of these kingdoms, Jesuitical and scandalous distinctions were invented, and publicly inculcated, to enervate the force and obligation of those oaths, which had been contrived in the plainest and strongest terms, by the wisdom of parliament, for the security of the said establishment, and, to conceal their designs, thereby the better to enable them to carry on the same, great numbers of the said conspirators, of all ranks and conditions, pretending a zeal for the Protestant succession, openly and voluntarily took the said oaths; groundless fears of the danger of the church of England were fomented throughout these kingdoms, to disorder the minds of well disposed Protestants. By all which and many other such ungodly practices of the said conspirators, the most causeless and dangerous jealousies and dissatisfactions were created in the minds of the good people of this kingdom, and great numbers of well meaning but deluded Protestants were much disquieted, but nevertheless, these dishonest methods were pursued by the said conspirators with indefatigable industry, as the only means to weaken the foundations of the said happy establishment.

"And whereas the dissolution of the late glorious confederacy against France, and the loss of the balance of power in Europe, were further steps necessary to complete the designs of the said conspirators, and the same being effected by the late ignominious peace with France, the French king was rendered formidable, and the Protestant succession was thereby brought into the most imminent danger; and, by these and other pernicious measures, the destruction so long intended by the said conspirators for these poor nations seemed near at hand; at which time, and under which most deplorable circumstances, it pleased Almighty God in his infinite wisdom to call to himself the late queen Anne, and, by a concurrence of many most wonderful providences, to give a quiet and peaceable accession to his present most gracious majesty to the throne of his ancestors, to which he was received with one full voice and consent of tongue and heart, and the united joy of every good subject and good Protestant, as their only lawful and rightful liege lord; and although, from the moment his majesty ascended the throne to this day, his reign has been one series of wisdom, justice, and clemency, his labours constant, unwearied, and successful, to retrive the honour and reputation of these nations, to re-establish the trade and recover the wealth of his kingdoms; and although all imaginable encouragement has been given to the church of England, and all tenderness shewn even to his Popish subjects, and his constant care has been to procure the universal good of his people; nevertheless the said conspirators have, by the most vile and impious methods, renewed their endeavours to throw these kingdoms into the utmost confusion, and to entail endless miseries on us and our pos-

tentes; for these ends, many of the above-mentioned most wicked and dangerous practices have been repeated, with the utmost industry and inveteracy, to delude, disorder, and corrupt, the minds of his majesty's good subjects, the most groundless jealousies have been fomented against his wise and happy administration; and, in many parts of his kingdoms, the most unnatural unexampled riots and tumults, by the secret and malicious endeavours of the said conspirators, have been procured, stirred up, and encouraged against his peaceable Protestant subjects, under false pretences of zeal for the church of England, and thereby more effectually to delude his good subjects, and seduce them from their allegiance, and prepare them for an open rebellion.

"And the said conspirators, having at length resolved to deprive these nations of the invaluable blessings which they now enjoy under the wise and gentle reign of his present most gracious majesty king George, and of the certain prospect of happiness which they have for their posterity in a succession of princes derived from himself, did contrive, confederate, and resolve, to put their most malicious, wicked and traiterous designs, into immediate execution: for which purpose, James earl of Derwentwater, William, lord Widdrington, William earl of Nithisdale, George, earl of Winton, Robert earl of Carnwath, William viscount Kenmure and William lord Nairn, together with Thomas Forster jun. lord Charles Murray, Edward Howard, Thomas Errington, John Claverne, William Shaftoe, sir Francis Anderton, Ralph Standish, Richard Townley, Thomas Butler, Thomas Walton, Gabriel Hesket, Richard Gascoigne, and divers other persons, as false traitors to his present most sacred majesty king George, the only lawful and undoubted sovereign of these kingdoms, having withdrawn their allegiance and cordial love, and true and due obedience, which they as good and faithful subjects owed to his said majesty, did in or about the months of September, October, or November, 1715, most wickedly, maliciously, falsely and traiterously, imagine and compass the death of his said most sacred majesty.

"And, for the accomplishing and executing their said traiterous purpose, they the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, did, in about the said months or some of them, and at divers other times, and in divers places within this kingdom, wickedly and traiterously agree, confederate, conspire, and resolve, together with many other evil disposed persons, to raise, excite, and levy within the counties of Teviotdale, Northamberland, Cumberland, and the county palatine of Lancaster, and elsewhere within this kingdom, a most cruel, bloody, and destructive war against his majesty, in order to depose and murder his sacred majesty, and in deprive him of his royal state, crown, and dignity; and [illegible] the Universities of Illinois at Urbana-Champaign

"And the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl Carnwath, William viscount Kenmure, William lord Nairn, their accomplices and confederates, in or about the months aforesaid, in the counties aforesaid, or some of them, did gather together great numbers of his majesty's subjects, and with them did assemble in a warlike and traiterous manner, in order to raise tumult and rebellion within this kingdom; and, having procured great quantities of arms, ammunition and warlike instruments, at the times and places aforesaid, or some of them, did form and compose, or did assist in the forming and composing an army of men, consisting of his majesty's liege subjects, in order to wage war against his said majesty, for and in behalf and in favour of the said Pretender to the crown of these realms; and the said last mentioned conspirators, their accomplices and confederates, at the time and times and places aforesaid, and at divers other times and places within this kingdom, did maliciously and traiterously make, levy and raise war and rebellion against his most sacred majesty; and in a warlike and hostile manner, did march through and invade several parts of this kingdom, and did unlawfully take and seize the horses and other the goods and chattels of many of the peaceable and good subjects of his majesty; and in other places did take and seize from his majesty's faithful subjects guns and other warlike instruments, for the carrying on their traiterous purposes; and the said last mentioned conspirators, their complices and confederates, during their march and invasion aforesaid, in open defiance of his most sacred majesty's just and undoubted title to the imperial crown of these realms, did wickedly and traiterously cause and procure the said Pretender to be proclaimed in the most public and solemn manner, as king of these realms; and, in several places in the counties aforesaid, or some of them, did unlawfully take and seize, from his majesty's officers of the revenue, the public money, for the use and service of the said Pretender; and though many of the conspirators are avowed professors of the Popish religion, yet, the more effectually to cover and disguise their most most wicked and traiterous designs, and to delude her majesty's subjects, they did prevail on and procure several men in holy orders, ministers of the church of England, and who had before that time abjured the said Pretender, to accompany, countenance and abet, the said most traiterous enterprize; and in several places in the counties aforesaid, where the said conspirators their complices and confederates then were, to pray for the said Pretender, in the public churches, as king of these realms.

"That the said last mentioned conspirators, their accomplices and confederates, did, in or about the 9th, 10th, 11th, 12th, or 13th of November aforesaid, traiterously serve and possess themselves of the town of Preston in the County Palatine of Lancaster, against

his majesty; and did then and there, in a warlike and hostile manoer, levy war, oppose, engage, and fight against, his majesty's forces; and did then and there cause and procore a miserable and horrid slaughter and murder of many of his majesty's faithful subjects.

"All which treasons and crimes above mentioned were contrived, committed, perpetrated, acted and done, by the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, William lord Nairn, and other the conspirators aforesaid, against our sovereign lord the king, his crown and dignity, and contrary to the duty of their allegiance, and against the laws and statutes of this kingdom.

"Of all which treasons and crimes, the knights, citizens and borgesses, in parliament assembled, do, in the name of themselves and of all the Commons of Great Britain, impeach the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, and every of them.

"And the said Commons by protestation, saving to themselves the liberty of exhibiting at any time hereafter any other Accusatioos or Impeachments against the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, or any of them; and also of replying to the Answers which the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, or any of them, shall make to the premises, or any of them, or to any impeachment or accusation that shall be by them exhibited, according to the course and proceedings of parliament. and do pray that the said James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, be put to aoswer all and every the premises; and that such proceedings, examinations, trials, and judgments, may be upoo them, and every of them, had and used, as shall be agreeable to law and justice."

Which Articles being read:—The lord viscount Townshend acquainted the House, "That the said several lords impeached are already under commitment in his majesty's Tower of London."

Then the following Order was made:—"Whereas the Commons assembled in parliament, having this day exhibited to this House Articles of Impeachment of High Treason, against James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn: It is ordered, by the Lords spiritual and temporal in parliament assembled, That the said earl of Derwentwater, lord Widdrington, earl of Nithisdale, earl of Winton, earl of Carnwath, viscount Kenmure, and lord Nairn, be brought in the bar of this House to-morrow, at one o'clock in the afternoon, to hear the said Articles read, and to abide such further order as this House shall think fit to make concerning them."

January 10. The Order being read, for bringing the said lords to the bar of this House, to hear the Articles of Impeachment of high treason, exhibited yesterday by the House of Commons, read unto them. They were accordingly brought to the bar, by the gentleman Usher of the Black Rod; where they all kneeled, until the Lord Chancellor directed them to rise.

Then the said Articles of Impeachment were read unto them: after which, the Lord Chancellor asked them severally, "What they had to say thereunto? and, if they had any thing to request of the House, this was their proper time."

Thereupon the earl of Derwentwater acquainted the House, "He was unprepared, and very ignorant of the forms of their lordships judicature: and desired he might have a copy of the said Articles, and such time to answer as the House should think fit; and that counsel might be assigned to assist him." And the other lords severally making the same requests: they were directed to withdraw. And being accordingly withdrawn; the House took their requests into consideration. And the entry in the Journal of the 9th of April 1679, in the case of the Five Popish Lords impeached being read; the House ordered, That the several Lords now impeached should be allowed copies of the said Articles of Impeachment, and time till Saturday next to put in their Answers thereunto; and that counsel should be assigned them, in order to assist them in preparing their Answers, and likewise in their defence in matters of law.

The Commons' Address to the King respecting the Rebellion.] January 10. The Commons agreed upon the following Address to his Majesty:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled return your majesty our unfeigned thanks for your most gracious Speech from the throne.

"We beg leave most heartily to congratulate your majesty upon the success that has attended your arms; and it is with the greatest satisfaction we observe, that the officers and soldiers of the army have, by a brave and faithful discharge of their duty, deserved your majesty's approbation; and that the just and necessary measures, taken for strengthening your majesty's hands, have had so good an effect in preventing insurrections in several parts of the kingdom.

"The wise and seasonable provision, which your majesty has made, both at home, and from abroad, for the safety of the nation: your goodness in giving all such estates as shall be forfeited by this rebellion in ease of your people; and the tender regard and concern which you have been pleased to express for their sufferings; call for all the returns of duty, zeal, and affection, which faithful and loyal subjects can owe, or pay, to the best of kings.

"This Rebellion, for which not the least colour of provocation has been given, as it ought very justly to be the object of your majesty's contempt; so it rises in your truly loyal Commons the highest resentment and indignation against those ungrateful, desperate rebels, whose pernicious principles, private discontents and disappointments, have engaged them to involve their country in blood and confusion.

"We look with pity upon those unhappy deluded people, who, by false pretences, and malicious insinuations, have been betrayed into their own destruction: but we detest, and will do our utmost to confound, the devices of those, who professing an unlimited obedience, have stirred up a rebellion against your majesty; and under the disguise of the danger of the church are endeavouring to introduce popery: and when we reflect, that nothing less than our holy religion, your majesty's crown, and the liberties of our country, are concerned in the event of this wicked undertaking, we cannot but with astonishment observe the indifference of some in this great and important juncture.

"But your faithful Commons, with hearts full of a due sense of the invaluable blessings which they enjoy under your majesty's most auspicious government, offer their lives and fortunes in defence of your undoubted title to the crown, in support of the protestant religion, and in maintenance of the liberty and property of the subject; which, as they were wonderfully preserved to us by your majesty's happy accession to the throne, can only be secured to posterity by the eye of Heaven watching over, and guarding, your sacred person, and your royal family.

"And, that this nation may long continue to be a protestant and free people, you most dutiful and loyal Commons do most readily promise to grant such early and effectual supplies, as may enable your majesty to put an end to this unnatural rebellion; to confound and extinguish for ever all hopes of the Pretender, his open and secret abettors; and secure the future peace and tranquility of your kingdoms; being well assured, that your good people will think no burden grievous, that is necessary for the preservation of all that is dear and valuable to them.

"But your majesty's care and concern for the public welfare has not been confined to your own kingdoms; and however your enemies might endeavour to misrepresent their intentions, these intestine commotions would lessen the influence of Great Britain in foreign parts, your Commons with admiration see, and with gratitude acknowledge, the effect of your wisdom, which has been able to surmount these difficulties, in settling the barrier treaty for the Netherlands between the emperor and the States General under your majesty's guarenty; in having made so great a progress towards renewing all former alliances between Great Britain and the States General; and particularly in delivering that valuable branch of our commerce with Spain from those grievous impositions and hardships, to which it was subjected by the treachery of the late mal-administration.

"And as the same fatal and pernicious counsels have been the cause and source of all the mischiefs and calamities that must attend this unnatural rebellion; and as your faithful Commons, desirous to testify their zeal and duty to your majesty, and their abhorrence of this treasonable enterprize, have already exerted themselves in endeavouring to bring to speedy and exemplary justice the open and declared instruments of this rebellion; they think themselves obliged, in justice to their injured country, to continue to the most vigorous and impartial manner, to prosecute the authors of those evil and destructive counsels, which have drawn down these miseries on the nation."

The King's Answer.] To the said Address his Majesty returned this Answer:

"Gentlemen;

"I return you my hearty thanks for the kind and warm assurances of loyalty contained in this Address, from which I promise myself the most happy consequences, since nothing can so effectually restore the peace and tranquility of the kingdom as the commendable zeal you have expressed upon this occasion."

THE EARL OF STRAFFORD'S ANSWER TO THE ARTICLES OF IMPEACHMENT AGAINST HIM.] January 17. The Lords sent a Message to the Commons to acquaint them, that the Earl of Strafford had put in his Answer to the Articles of Impeachment exhibited against him, (see p 144) and commanded their Messengers to leave a copy thereof with them. The said Answer is as follows:

The ANSWER of THOMAS Earl of STRAFFORD, to the Articles exhibited by the Knights, Citizens, and Burgesses, in Parliament assembled, in the name of themselves and of all the Commons of Great Britain, in Maintenance of the Impeachment against him for High Crimes and Misdemeanors supposed to have been by him committed.

"The said Earl, saving to himself all advantages of exception to the said Articles, for the

uncertainty and insufficiency thereof, and of not being prejudiced by any words or want of form in this his Answer, and also saving to himself all rights and privileges belonging to him as one of the peers of this realm; to answer to the said Articles, admits that divers treaties and alliances were entered into, by the crown of Great Britain, with the several potentates mentioned in the preamble to the said Articles; but, for more certainty as to the contents thereof, the said earl refers to the said treaties themselves; and, with the utmost deference to the memory of his late royal master king William the Third, doth acknowledge the great wisdom of that glorious prince, who, by the grand alliance, formed a noble design of settling a due balance of power in Europe; but humbly begs leave to observe, that the affront offered by France, in acknowledging the Pretender king of Great Britain, though justly mentioned by her late majesty queen Anne, of ever blessed memory, as one cause of the war which, in May 1702, was by her declared against France and Spain, could not be any inducement to the forming the grand alliance, as is suggested in the preamble to the said Articles, being subsequent to it, as most evidently appears; inasmuch as that alliance was not only formed, but concluded and signed, at the Hague, during the life time of the late king James the Second, and the said earl admits, that the emperor and the States General did also about May 1702, declare war against France and Spain: and that other kings, princes, and states of Europe, soon after became parties to the said confederate war; which having been carried on for many years at a vast expence of blood and treasure, her said late majesty, out of her tender regard for the good of her people, and from a sincere and real design to prevent the further effusion of blood, and to ease her subjects from the heavy burden of taxes which they had so long endured, did hearken to overtures of peace from France, after former negotiations had been rendered fruitless, and give instructions to the then lord privy seal, now bishop of London, and him the said earl, to treat thereof at Utrecht, in conjunction with the ministers of her allies, in order to bring the same to an happy conclusion; and among such instructions several clauses were interspersed, to the effect in the said preamble set forth; but, for more certainty, refers to his original instructions, which, together with all his other papers relating to his negotiations in the Low Countries, were taken from him in the beginning of January last, and he supposes may continue in the hands of one of his majesty's principal secretaries of state. But the said earl is totally ignorant of any treacherous correspondence with the emissaries of France, or of any private or destructive negotiation of peace, set on foot with intent to weaken or dissolve the confederacy between her said late majesty and her allies.

"And for particular answer to the several matters wherewith he stands charged in the First Article; the said earl saith, That having been employed by his late majesty king William in the army during his whole reign, and likewise in his court for several years next before his death; and having also had the honour to be sent as his majesty's minister to the king of Prussia; he was so happy as to reconcile some differences which had lately arisen between those two princes, and upon his return received his royal master's approbation. Her late majesty queen Anne, soon after her accession to the throne, was pleased to command him to leave his post in the army, and to go again to the said court of Prussia, in the year 1702, where he had the character of her ambassador extraordinary, and continued in that quality till April 1711, at which time her majesty thought fit to appoint him her ambassador extraordinary and plenipotentiary to the States General; and in June following her majesty was pleased to honour him with the title of one of her privy council; and about December in the same year to appoint him one of her plenipotentiaries to treat at Utrecht, with the ministers of France, of a general peace. And the said earl thought it his duty not to scruple any danger or pains for her service, believing his zeal therein was the best evidence he could give of his hearty affection to his country; and he constantly did, with the utmost sincerity, endeavour, according to his abilities, to pursue the true ends of his commission and powers, to promote the honour and safety of her majesty and her kingdoms, to answer the engagements she was under to her allies, and to secure the common liberties of Europe: But he must with the utmost detestation and abhorrence, deny that he was in the least devoted to the interest or service of the French king, or that he ever acted in defiance of any of the said treaties, or of the advice of parliament, or of any declarations of her majesty from the throne, or of her assurances to the States General to act in concert with them, in making peace as in making war, or of her instructions to him under her sign manual. The said earl admits, that, as he was a privy counsellor, it was his duty truly to have advised her majesty in all matters treated of in council whilst he was present; and, had any thing so treated of appeared to him to have been to the dishonour of her majesty, or to the prejudice of her people, the said earl would not have been wanting to advise against, and with all humility to oppose the same; but, as he was her majesty's ambassador and plenipotentiary, he looked upon himself as a ministerial officer, whose duty it was to pursue such instructions as he should from time to time receive; and since he could not doubt but that all orders sent him by her majesty's directions had been first maturely weighed and digested, he humbly apprehends your lordships will think it had been too great a presumption in him to advise against or oppose such orders, which carried not in themselves any apparent illega-

lity, when he knew not the springs or reasons of them; and which therefore it became him to believe well warranted, and to have proceeded from just and proper grounds and motives. And the said earl saith, he was so far from advising or exhorting that any private, separate, dishonourable, or destructive negotiation of peace, should be continued and carried on between the ministers of Great Britain and France, without communication thereof to her majesty's allies according to their treaties, or from being instrumental in promoting any such negotiation as in the said Article is charged, that he did not know, or believe, that any such negotiation was entered into. And, for a plain relation of the said earl's proceeding in this affair, he saith, that, about May 1711, being then her majesty's ambassador and plenipotentiary to the States General, he received, from one of her principal secretaries of state, a paper, supposed to be signed by M. de Torcy, containing some proposals for setting on foot a negotiation of peace, with orders to communicate the same to the Pensionary of Holland, that his sentiments might be known thereupon; and to assure that minister, and others of that republic, 'That the queen was 'resolved, in making peace as in making war, to 'act in concert with the States;' In pursuance of which orders, he the said earl did immediately communicate the said proposals to the Pensionary, and unto two others of the States General, who had formerly been employed in the negotiations at Gertruydenberg, and whom the Pensionary thought the most proper to be entrusted with that matter: And they, having considered the said proposals, did pray the said earl to return her majesty thanks, in the name of the States, for her confidence in them; declared themselves weary of the war, and ready to join in any measures her majesty should think proper for obtaining a good peace, and that they hoped her majesty would bring the French to explain more particularly the several points contained in the abovementioned proposals. Of this, the said earl sent an account to her majesty's secretary of state, and soon after received her commands to repair to England; and on his arrival here acquainted her majesty with his proceedings at the Hague: But being, by her gracious permission, allowed to follow some private affairs of his own, he was often in the country, and so much engaged that he did not know of any of the transactions with M. Mesnager, or what was done in relation to the explications the States had desired her majesty to procure from France, upon the points of M. Torcy's proposal; till in October following, he received instructions, dated the first of that month, whereby he was required to return to Holland, and to communicate to the States some propositions, which had been signed by the said M. Mesnager the 27th day of September before, as a foundation for opening the conferences of peace with France: which he supposes to be the instructions intended by those mentioned in the preamble to the Articles as dated the 21st day of October, none of that date appearing amongst the copies of his own papers he has been permitted to take: But the said earl never saw M. Mesnager, till he met him at Utrecht in January 1711-12; nor during all the time of the said ministers stay in England was in the least privy to, or made acquainted with, any transaction between him and any of the queen's ministers. The said earl having received his said instructions, took his journey for Holland; and, on his arrival there in pursuance thereof, imparted to the States General the said propositions, and what had been communicated to him concerning any transactions between Great Britain and France, and at the same time, in further pursuance of his said instructions, declared to them, 'That if they did not think those propo-'sitions a sufficient ground to open the confe-'rences, but were desirous to carry on the war, 'her majesty was willing to concur with them; 'but could no longer bear that disproportiona-'ble burthen which had been yearly increased 'on her subjects, nor that deficiency her allies 'had been guilty of in every part of the war; 'and that therefore it was incumbent on them, 'if the war continued, to furnish such quotas 'of ships and forces for the future, as they had 'to that time been wanting in; But this was 'what her majesty thought she might justly in-'sist on: That they should comply with her, in 'war or in peace: since, in the former, she re-'quired nothing but what belonged to them to 'perform, and what was necessary to the suc-'cess of their arms; and since, in the latter, 'she had done, and would continue to do, what 'was in her power towards obtaining such a 'peace as might be to the satisfaction of her 'allies.' Soon after this, the States General sent M. Buys to England, as their plenipotentiary, to confer with her late majesty's ministers, and inform himself of the circumstances of affairs, and make report thereof to his masters; who having continued here some time, and transmitted to Holland an account of the posture of affairs, the States General consented to open the conferences for peace, and to invite the other allies to send their ministers to Utrecht, the place agreed on for that purpose; and, in order thereunto, granted passports for the French ministers to repair thither: And the said earl is informed, that amongst other transactions by the said M. Buys whilst in England, he signed a treaty with her late majesty's ministers who were empowered for that purpose, dated, the 18th day of December 1711, O. S. for the carrying on the war and the negotiations of peace, according to the mutual engagements of former treaties between England and Holland: which treaty was ratified by her said late majesty the day after it was signed, and was sent to Holland by the then lord privy seal; but the States General, though their ministers were often called upon, did not ratified the same And the said earl admits, that the said lord privy seal and himself [illegible] appointed to be her majesty's plenipotentiaries

at the said Congress at Utrecht, and he can with great truth affirm, that he acted, on all occasions, with the highest and most disinterested zeal, for procuring a general peace, for the mutual advantage of her majesty's subjects and allies, in pursuance of the powers and instructions received for that purpose; and is firmly persuaded his colleague did the same. The said earl saith, that every one of the confederates had their ministers at Utrecht who all agreed in the method and manner of proceeding in the said negotiation; and had frequent meetings and conferences to that end among themselves, in order to lay down a general scheme for their conduct; and, for the better concerting these measures, it was thought fit to have two conferences a week with all the allies, two with the Dutch apart, and two of all the allies with the French; and in those with the Dutch and the other allies, what was to be proposed, on the part of the allies, to the French, was always previously settled. In the first general conference with the French ministers, they offered either to proceed to the explanation of the general points signed by M. Mesnager (which they acknowledged were binding only to France, and not to the allies), or that each of the allies should make their demands. On deliberation, it was insisted by the allies, That the French should first give in a specific plan of the offers of the king their master to all and each of the allies; and the French complied to give in such specific plan, in case the allies would promise to return an answer thereunto containing their several demands: and accordingly the French ministers did give in such plan, in writing, and the allies, in answer, delivered in their demands also, in writing. The French having thus given in their concessions in writing, and received the demands of the allies in like manner, thought fit to propose the entering into debate upon the several propositions mutually delivered in agreeably to the course of proceeding in former treaties: But though some of the allies thought there was no necessity of insisting very much on any further written answer, yet others pressed it more vehemently; to which the French replied, 'That, both sides 'having already explained themselves in writ-'ing, it was agreeable to the method of all ne-'gotiations, to proceed to debate matters; and, 'in such debates, specific answers to each de-'mand of the allies would occur.' And all the allies agreed in this principle, 'That the me-'thod most expeditious and safe, whether by 'writing or otherwise, was fittest to be fol-'lowed.'

"Thus having given your lordships a short narrative of the proceedings which might render his Answer to the several particulars charged in this Article more intelligible. As to that part which mentions his frequently concerting private and separate measures with the ministers of France; the said earl doth acknowledge, that, when the settling any particular interest of Great Britain might require it, he and his colleague might confer with the ministers of France, in the same manner as the ministers of each of the allies conferred separately with those of France, touching their respective particular interests. And the said earl apprehends they were justified therein, by their express orders from England for that purpose. And sometimes the said bishop and earl had separate conferences with the ministers of France at the request, and on the behalf, of one or other of the allies, whose regard to her majesty made them often desire the interposition of her ministers, to support their several pretensions; wherein the zeal and sincere endeavours of the said bishop and earl for the interest of the allies always appeared, to the satisfaction of those on whose behalf they acted. But he denies that he did concert any private or separate measures with the ministers of France, in order to impose upon or deceive her majesty's subjects or allies, or tending to their prejudice or detriment. And as to that part which charges him with commending the prudence of the French ministers, in refusing to answer in writing; the said earl saith, that after the written propositions and demands on each side had been delivered in, he took it to be a matter in its own nature indifferent, whether there should be any further transaction thereupon in writing, or not; and whether it were better to proceed by way of writing, or by conference, to adjust and settle the terms of peace, upon the respective offers and demands which had been so given in. There was variety of opinions: Many of the ministers of the allies declared it to be the most usual and expeditious method to proceed by way of conference, which they thought gave better opportunities of considering and explaining matters; there being usually seen a greater stiffness and obstinacy in maintaining what is once put down in writing, which oftentimes renders negotiation tedious, and sometimes clogs them with insuperable difficulties; and there seemed to be just grounds for suspicion, that some, who were most pressing for the method of writing, might have those ends in their view, which it became her majesty's plenipotentiaries, as far as they could, to obviate and prevent. If therefore, the said earl inclined in his private opinion, to the sentiments of those who thought the way of conference more expeditious and equally safe (admitting he had been mistaken therein), he hopes it will not be imputed to him as a crime: Much less can he apprehend your lordships will esteem it any evidence of his encouraging the enemy in any fallacious or unjustifiable manner of proceedings, if, in a letter from the Hague to a minister of the queen, before this matter had been fully considered, he intimated the thoughts he then entertained of it; since he takes it to be very proper for a public minister abroad, in his correspondence with the more immediate servants of the crown at home, to give minute and particular accounts of all occurrences and discourses, to lay open his thoughts, to suggest the first motions and sus-

picions that arise in his mind, and to descant upon things without reserve, in order to receive more plain, full, and express informations and directions for his better proceeding. And the said earl believes it will appear, that, if, in any letter he intimated his thoughts upon that subject, he did not give any positive judgment, but suspended his opinion therein till he should have opportunity of further considering it. And he saith, that, when afterwards the matter came to be more maturely debated among the ministers of the allies, upon his return to Utrecht, he did join in pressing the ministers of France to give a further answer in writing. And as to that part which obargath the said earl with suggesting methods for France to make use of, to create dissentions among the allies, and procure separate negotiations between each of the allies and France; he saith, that it was generally thought most proper, that the respective demands of the allies, which were sometimes clashing and contradictory to each other, should be considered apart, and not at general conferences with the French, which seemed the more requisite, since no prince or state had undertaken the part of a mediator to reconcile the differences which might happen to arise among them, as has been usual in former treaties. If, therefore, in a letter to a minister of the queen, from the consideration of the possibility that some might be for the contrary method, he intimated that the inconvenience of such a method would best appear by beginning in the congress, to argue on some demand of one of the allies, which would probably induce such ally to propose the debating separately; he hopes this can never be construed 'that suggesting a method for 'France to make use of, to create dissentions 'among the allies,' or which could have any tendency to dissolve the confederacy; it seeming rather, to him, a likely means to prevent any such unhappy consequence: Sure he is, that he sincerely laboured to prevent it; and, for that end, employed his utmost endeavours to obviate and discourage any fallacious or unjustifiable manner of transacting the negotiation of peace. And he denies that he did at any time suggest any method whatsoever, for France to make use of, to create dissentions among the allies or separate negotiations between any of the allies and France, thereby to dissolve the confederacy; and as he constantly opposed what he apprehended or suspected to have any such tendency, so he never failed to support, in the best manner he could, her majesty's allies in their demands against France; and denies that, in the course of the negotiation, he was guilty of any treacherous proceeding, or of any practices whatsoever, whereby he could prostitute the honour of the queen or the imperial crown of these realms: or whereby he did violate his powers or instructions, the treaties her majesty stood engaged in to her allies, or any assurances he had given them by her order, or in her name; or whereby the design of the confederacy, or the support supported from it, were rendered useless; or the affairs of Europe given up into the hands of France.

"In answer to the Second Article; the said earl saith, he always thought an union and good correspondence between her late majesty and the illustrious house of Hanover of the utmost importance, and therefore used his best endeavours to continue and improve it; and never had the least design to create or widen any differences or misunderstandings between them. He acknowledges, that the Parliament, with great wisdom, provided laws for preserving the Protestant religion, establishing the Protestant succession, and laying the obligation of an oath on the subjects of these realms to maintain the same; and the said earl humbly hopes, that he, in his station, hath never been wanting in his faithful endeavours for the security thereof: and, to his great honour, he hath frequently received from her late electoral highness the princess Sophia, and from his present majesty, their approbation of his zeal for their service and he does with great pleasure and satisfaction reflect on the happy success of his endeavours in the late treaty of peace at Utrecht, by which France and Spain were brought to acknowledge our present sovereign's right of succession to the imperial crown of these realms, and to engage never to oppose or disturb the same directly or indirectly; whereby his majesty had a peaceable accession to the throne, and the benefit of the several laws made to support of the said succession will more securely be transmitted to posterity. The said earl denies that he, by false representations, or by any reflections upon his majesty, when elector of Hanover, in any letter to the late queen's ministers or otherwise, did endeavour to alienate her majesty's affections from his electoral highness: and saith, that to such a general charge it is impossible to make any particular answer or defence; but the said earl is firmly persuaded, there is not any expression, in any letter by him wrote, that carries the appearance of any such false representation or reflection; such expressions being as remote from his heart and intentions, as they are inconsistent with that respect to the illustrious house of Hanover, which, by the whole tenor of his actions, he hath endeavoured to demonstrate. And therefore the said earl hath that assurance of your lordship's justice, as to believe that no doubtful words or passages contained in any of his letters, no accounts or censures (if any such there be) of what was said or done by any minister or servant of his electoral highness, inconsistent, as he apprehended, with that deference which ought to have been paid to her late majesty, will be taken by your lordships as an evidence of any design to alienate her late majesty's affections from his then electoral highness, or to create or widen any differences or misunderstandings between them, with which the said earl is charged in the said Article. And as to the particular reflection supposed to have been made by the said earl, in his letter of the 25th day of July

1712, on his then electoral highness; the said earl humbly hopes that your lordships will not interpret any expression in that letter to have been meant of his electoral highness, who is not so much as once named throughout the same, and whom the said earl hath never mentioned, in any letter whatsoever, without the highest respect and veneration; but that your lordships will rather understand it, as it was meant, with respect to the general of the Hanover troops, whose conduct, the said earl owns, he hath expressed himself, as well in that as in some preceding dispatches, not to have been entirely satisfied with how far he was right in his opinion, he submits to your lordships wise determination; but humbly hopes, that no representation thereof by him made, however he may be thought to have been mistaken therein, proceeding only from a sincere zeal for the honour of his royal mistress and the interest of his country, can be judged criminal. And the said earl saith, that the late queen was so far from being prevailed on, by his advice, to make a cessation of arms with France, without concert with his electoral highness, or against the consent or representations of any of the allies, that he can and doth with truth affirm, that her majesty's resolutions, concerning the said cessation, were not taken upon his advice, or with his privity. That the said earl doth admit, that, about June or July 1712, he was sent to the army, by her majesty's command, with particular instructions touching the said cessation; and that, in pursuance of his said instructions, he discoursed several of the generals of the allies, particularly Monsieur Buleau; and that he might, in such discourse, on the 16th day of July 1712, affirm, as he then thought, 'that her 'majesty had made no truce with France;' and the said earl was than of that opinion; the articles demanded by her majesty for a cessation of arms, as the conditions without which no cessation was to be made, not having at that time, to his knowledge or belief, been performed by France. And the said earl can assuredly say, that he doth not remember he hath, at any time, knowingly, affirmed to the ministers of his said electoral highness, or any other of the allies, any untruths, or any thing contrary to the intentions or interest of the late queen, thereby to deceive or impose upon his electoral highness, or any of her majesty's allies: and apprehends that he hath not, in any of his negotiations or proceedings, prostituted or dishonoured the character he was invested with; or done any thing tending to dissolve the mutual confidence and good understanding between her late majesty and the illustrious house of Hanover.

"In answer to the Third Article; the said earl denies any pernicious negotiations of peace to have been carried on by him with the ministers of France; and saith, that, in the paper mentioned in his instructions to be signed by M. Mesnager, and delivered to him, together with his said instructions, on or about the 1st day of October 1711, it is said, 'the French 'king will acknowledge the queen of Great Britain in that quality, as also the succession to 'that crown according to the present establishment;' and in the specific explanation of the offers of France, delivered the 11th of February following, it is said, 'the king will acknowledge, 'at the signing of the peace, the queen of 'Great Britain in that quality, as well as the 'succession to the crown according to the pre-'sent establishment, and in a manner most 'agreeable to her Britannic majesty' but the said earl denies he ever heard that the French king proposed such acknowledgment should not be before the signing of the peace; nor doth he conceive how the proposal (before the entering into the negotiations of peace) indefinitely to acknowledge the queen and the subsequent concession to do so at the signing of the peace in what manner her Britannic majesty should please, doth necessarily infer that he would not do it sooner, nor are there, in any of the propositions from the French king, any negative words, that he would not do it sooner, as intimated in this Article: and the said earl apprehends, that, in fact, he did it sooner; for, when the Sieur Mesnager came into England, the said earl is informed, he brought with him a credential letter from the French king, wherein her majesty was styled and acknowledged queen of Great Britain: and, in the very first offers and general conferences at Utrecht, the French ministers named her Britannic majesty in such direct manner, that the ministers of the allies took it for a plain and sufficient agnition, and the French ministers understood it in the same manner, who continued to name her majesty as queen, without reserve, in their discourse and letters to her majesty's plenipotentiaries: and although the said specific explanation may, in some part of it, seem to refer to a future agnition, to prevent the imperial and other ministers of the allies from insisting likewise on a present acknowledgement of the titles of their masters, which might probably have put a stop to the negotiation; yet, the said earl conceives, the agnition of the queen was not thereby the less manifest; and is humbly of opinion, that her majesty was treated with distinguishing marks of respect, inasmuch as those titles were given her, throughout the whole course of the negotiation, which had not been allowed on the like occasions to other princes till the conclusion of peace. It is well known, the title of his late majesty king William was not acknowledged at Ryswick, till that peace was signed; nor was the emperor's or the king of Prussia's owned, during the late negotiations, till the concluding their respective treaties of peace. When, therefore, the said earl had no instructions to insist upon a more formal acknowledgement; he hopes he cannot be charged with any want of duty to her majesty, or want of zeal for the Protestant succession, in not advising her majesty against treating with France, upon the terms on which she entered into the negotiation at Utrecht. The said earl believes the House of Lords, conceiving the French

king had proposed to acknowledge her majesty's title to these realms no sooner than when the peace should be signed, did, by their address of the 15th day of February 1711, with a commendable zeal, represent to her late majesty their just indignation at such dishonourable treatment, and express their resentment at such terms of peace offered to her majesty and her allies by the plenipotentiaries of France; and it was agreeable to the duty and affection that august assembly always demonstrated towards that excellent princess, to be touched with the least appearance or apprehension of disrespect to her sacred person and her majesty, being sensible that their address proceeded from those motives, was pleased to return them her hearty thanks, for the zeal they expressed for her honour. And the said earl admits, that, in a letter from the secretary of state to the then lord privy seal and himself, mention was made of the said address, and thereupon they gave an account of the steps by them taken on this subject, to the following effect: that, the day after the receipt of that letter, the French plenipotentiaries were told, 'that, the deferring to 'make a formal ignition of the queen at first 'having had all the effect intended, it would be 'proper then to do it more formally, for reasons 'with which it was needless to acquaint them, 'otherwise it would be necessary to insert it in 'the British demands.' that they made no other difficulty in it but this, 'that, having re-'ported to their court how that matter had 'passed, they ought, in decency, to give an ac-'count of what was then desired;' and said, they doubted not in ten or twelve days to give 'intire satisfaction therein:' but, being pressed to do something immediately, they agreed, 'that, if her majesty's plenipotentiaries would 'write to them, they would give an answer, 'whereby the queen should be directly acknow-'ledged,' which was accordingly done, and the said earl believes, that a copy thereof might be transmitted to England, but not the original: and denies that, to his knowledge, it was a collusive letter; or that there was any agreement between the British and French ministers, not to make use of it at Utrecht, or not to have it taken as an acknowledgement by France of the queen's title to the crown; or that the copy of it was transmitted with design to deceive or impose upon the queen or parliament; nor doth he know, or believe, it was made use of for any such purpose; but he takes it to have been an actual acknowledgment of the queen's title by France, and a further evidence that such agnition was not deferred till the signing of the peace, though it was intended to be then made in a more solemn manner. And the said earl believes the honourable House of Peers, for whose judgment he ever had the highest veneration and regard, were satisfied in this point; since, by their address of the 10th of June following, after they had been acquainted, by her majesty's speech from the throne, with the terms on which a general peace might be had, they thought fit to thank her majesty for her condescension therein, and did express their reliance on her wisdom to finish that great and good work; as the House of Commons also did, by their address to her majesty, about the same time. And the said earl is well assured, he was not wanting in his zeal and regard for the security of the Protestant succession, on which head the British plenipotentiaries, at the very first general conference with the French ministers at Utrecht, pressed their explanation; and they agreed thereunto: and, when the allies delivered their respective demands, the queen's ministers, on their part, insisted in such manner on what related to the security of that succession, that the princess Sophia was pleased to honour them with a letter of thanks, and to acknowledge their care of the interest of her family more were they less careful, at the conclusion of the treaty, to settle that important point with the utmost exactness, to the satisfaction of the queen, the court of Hanover, and both houses of parliament; and the articles for that purpose were not only concerted in stronger terms than had been made use of at Ryswick, for acknowledging the then settlement of the crown; but, before they were inserted in the treaty, were communicated to the minister of the elector, and had his approbation; and the manner of that transaction seems sufficiently justified, from the happy effects. The said earl absolutely denies, that he did ever concert or agree with the ministers of France, that any proposals mentioned in the said Article, or any other proposals whatsoever, should be the conditions whereon France should treat of peace with Great Britain: nor doth he know that the queen, the parliament, or the nation, were in any respect abused, or drawn into destructive measures: or that any step was taken, on this occasion, whereby dishonour could accrue to her majesty or these kingdoms, or any danger to the Protestant succession.

"In answer to the Fourth Article; the said earl saith, That the bishop of Bristol and himself, being appointed her majesty's plenipotentiaries, did, soon after their arrival at Utrecht, pursuant to their instructions, begin by concerting with the ministers of the allies, in what manner it was most proper to open the conferences, and what method was to be observed in the progress of the treaty; and if it had been thought proper to begin with the disposition of the Spanish monarchy, the said earl was ready to have insisted as the said instructions directed him to do in that case; but, upon such concert, it was thought most advisable, and so agreed by all the ministers of the allies, that each of them should, by a separate instrument make their respective demands, with a general clause to support each other's just and reasonable pretensions; and this was looked upon as the most proper method, and necessary to avoid that confusion which would otherwise ensue from the contrariety of the demands of the several allies; it being then known that many of them did and would insist to have the

same thing for themselves, in opposition to each other. The Imperial ministers, as well as the rest, acquiesced in that method; and at a following conference, it was further desired, that there should be added to such general clause the words in 'conformity to their alliances,' with which the said bishop and earl, as well as the rest, most readily complied: and these words were accordingly added to the general clause in each of the allies demands, which seemed to give a general satisfaction; and there was nothing further at that time, insisted on. In consequence of this agreement, it was the general expectation, that the demand relating to Spain and the West Indies should be particularly inserted only in the instrument to be given in by the Imperial ministers: but there having been a day long before fixed for delivering in to the French all the demands of the allies, the Imperialists, the very night preceding at a conference, proposed, 'That all the allies 'should mention Spain and the West Indies 'likewise in their several demands.' This caused a general surprise, and none but the ministers of Portugal concurred with them; those of the States in particular declared, 'The 'said dominions ought to be demanded by them 'whom it did immediately concern; and that 'the method things had been put into, could 'not suffer it to be otherwise.' But the next morning, to give content to the Imperialists, they yielded to make a verbal declaration among the allies, 'That they were resolved to 'make good all their treaties on occasion of 'this war, as well those that related to Spain 'as those made with Portugal, Prussia, Savoy, 'and others.' The British plenipotentiaries, to give the like satisfaction, declared publicly at the conferences the same day, 'That as her 'majesty insisted for a just and reasonable sa-'tisfaction for all her allies, in conformity to 'all her alliances, those that might concern 'Spain and the Indies were understood there-'by, as well as others that concerned the in-'terest of the rest of the allies;' wherewith the Austrian and Portugal ministers seemed satisfied; nor did they request any thing further from the said bishop and earl on that head. And therefore he humbly apprehends, that, in the negotiation, he neither declined to insist that Spain and the West Indies should not be allotted to the House of Bourbon as far as his instructions directing him to act in concert with the rest of the allies, required, nor refused to join with the Imperial and Portugal ministers, or either of them, to strengthen that demand in such manner as was proper, but in this, and all other matters, he pursued with constancy the orders he from time to time received from her majesty, as the nature and circumstances of things would give leave; and in case her late majesty found it impracticable to persist in her first designs of gaining Spain and the West Indies from the House of Bourbon, and thought other expedients for preventing the union of the two monarchies of Spain and France might as well answer the ends of her several alliances, and did thereupon enter into measures for obtaining a general peace in which her allies concurred, the said earl hopes, that his conforming himself to the measures not only prescribed by her majesty, whose minister he was, and whom it was his duty to obey, but also approved by both Houses of Parliament, will not be esteemed an acting in defiance of the treaties between her majesty and her allies, in contempt of the advice or opinion of parliament, or in violation of his instructions: and he cannot entertain such diffidence of your lordships justice and goodness as to suspect that his actions, which proceeded from a principle of obedience to his sovereign, and zeal for the public service, should be condemned as perfidious or unwarrantable. And the said earl denies that, by any of his practices any jealousies or discords were created between her majesty and her allies, the mutual confidence between them was dissolved, the just balance of power in Europe betrayed, or any advantage given to the common enemy to impose what terms of peace he should think fit upon her majesty or any of the confederates.

"In Answer to the Fifth Article; the said earl doth acknowledge, that her late majesty, in her speech from the throne, on the seventh day of December 1711, having acquainted her Parliament, 'That both time and place were 'appointed for opening a treaty of peace,' did at the same time remind them, 'That the best 'way to make the treaty effectual would be to 'make early provision for the campaign;' and believes supplies were granted, and magazines provided, for that end. But the said earl saith That, at the time in the said Article for that purpose mentioned, he was not informed of any reasonable prospect the confederates then had of gaining new conquests over the army of France; nor doth he believe that the confederate army at that time was the strongest that had been in the service during the whole course of the war; but upon the informations he received at the Hague, about the 19-30th of April 1712, he understood, that the French were better posted than the confederates, and their army stronger; and that the confederate forces could not march to surprise the French in their lines till they had green forage, which would not be up in the three weeks at soonest; and that the French had all their troops, and the confederates wanted great part of theirs, especially the Imperialists, who it was thought could not, and in fact did not, join the army till about a month after; and the said earl conceiving the treaty of peace in so great forwardness, that, by a constant application of the plenipotentiaries, it might probably be brought to a conclusion in a month's time; he did, upon these considerations, apprehend it would not have been any disservice to the common cause if a cessation of arms for a month had been then agreed on, during which time the negotiation might have been ended one way or other; and he believes that, according to his

duty, he might about that time, in a letter to her majesty's secretary of state, send an account of the posture and condition of the two armies; but denies that he took upon him to counsel or advise on that subject, but only proposed the matter for further deliberation in England, if upon those or other accounts such a short cessation should be thought necessary; much less did he then, or at any other time, suggest or advise any cessation of arms to be made with France, without or against the consent of the allies, or with design to disappoint any just expectation they might have, or to give success to any secret or wicked negotiations whatsoever; and he is not yet sensible that a cessation for a month, at that time, could have been any hinderance or prejudice to the cause of the allies, or have given the least advantage to the enemy: however, in fact, no cessation was made upon his said letter. The said earl saith he doth not know, or believe, that, in pursuance of any counsel or advice given by him, any directions were sent to her majesty's general in Flanders, to avoid engaging in any siege, or hazarding a battle; nor was he privy to the sending any such directions; and he denies that he advised her late majesty to send any person, much less himself, from England, to the army in Flanders, to cause a cessation of arms to be made or proclaimed, between her majesty and the French army; but acknowledges that, he being her majesty's ambassador, she was pleased to give him orders and instructions, under her sign manual, dated the 21st day of June 1712, whereby he was commanded 'to make all possible dispatch to 'the army in the Low Countries; and, upon 'his arrival there, to inform her general and 'commander in chief of the resolutions taken in 'the then important conjuncture of affairs, 'and also to declare to the generals and commanders in chief of the foreign troops in her 'majesty's pay, and in the joint pay of her majesty and the States General, with how much 'surprise her majesty heard there was the least 'doubt of their obeying such orders as they 'should receive from her said general, and 'likewise commanding the said earl to continue with the said army, till the affair of the 'suspension of arms and the surrender of Dunkirk were determined one way or other;' and that thereupon he resorted to the Hague, and there, in conjunction with his colleague the then lord bishop of Bristol, acquainted the States General with her majesty's intentions for a short cessation of arms between the armies in the Netherlands, upon certain conditions to be performed by France, one of which was, the surrendry of Dunkirk into her majesty's possession; inviting the States to join with her majesty therein. After this, the said earl proceeded to the army, and acted conformably to his said instructions; and hopes, that what was the performance of his duty, will not be imputed to him as a crime: but the said earl denies that any cessation or separation of the troops was executed or performed by his advice; nor was he otherwise concerned therein than in signifying the orders he had in command from her majesty to her general; and he believes, from the best judgment he can make upon the then situation of affairs, that, if the cessation that was made by her majesty had been generally complied with by the rest of the army, it would have increased the confidence between her majesty and her allies, and have obliged the French king more speedily to comply with their demands in the negotiations of peace; and that the most promising expectations from the operations of the campaign during those two months for which the cessation was to continue, could not equal the advantage accruing to the confederates by the surrender of the important fortress of Dunkirk, which was put into her majesty's hands as one of the conditions of it.

"In Answer to the Sixth Article; the said earl, not admitting that he did advise or procure a cessation of arms, or obtain for France any separation of the troops of Great Britain from the confederate army, or was otherwise concerned therein than as in his Answer to the preceding Article is set forth, denies, with a just abhorrence, that he ever had any treacherous purposes to advance or promote the interests of France, or to render any future correspondence or harmony between her late majesty and the States General impracticable, or to weaken or distress the said States, or bring them under any necessity of complying with, or submitting to, the measures of France; nor did or doth he know, or believe, that the taking possession of Ghent and Bruges by the British troops was likely to produce any such consequence; on the contrary, he conceives, that it was very much for the advantage of the allies, especially the States General, that the English took possession of those towns, which would otherwise, in all probability, have fallen into the hands of the French: the said earl doth acknowledge, that, when the British troops were left by the other forces who separated from them and were under a necessity of retiring to some place of security, and it was reported that the Dutch had given orders to all the commanders of the towns, to their possession to refuse them admittance or passage, he did not think the resolution improper, which was taken by her majesty's general, to send a party of the queen's troops to march through some part of those towns, to make experiment whether they would refuse them passage; for, if passage should not be refused them, the Dutch would be vindicated from the report which had been given out, so highly reflecting on their honour, and so repugnant to the repeated professions and assurances of that good-will, and friendship they had so constantly declared for Great Britain; and if such passage should be refused, it would demonstrate the necessity the English troops were under of resorting to Ghent and Bruges: however, the said earl doth not admit that he did advise therein; much less had he any such

hopes or treacherous designs as in the said article are mentioned; nor did he seek any pretence to put in execution any design or resolution concerted with the ministers of France; nor was any such design or resolution, to his knowledge or belief, concerted: the said earl doth believe, that a party of the queen's troops, being sent with intentions to obtain admittance into some of the towns in Flanders, where some of the English magazines and hospitals were, or at least to obtain a passage through them to some other places of security, were refused by the Dutch commanders, although those towns had been conquered chiefly by British blood and treasure. but the States General disavowed their giving any orders for that purpose, and thereby rescued themselves from the reproach of an usage, that might have been thought inhuman to confederate troops, who had spent their blood for their service, and had done no act of hostility, nor given any just reason to the States to apprehend any ill consequences from such passage or admittance The said earl doth acknowledge, that, after this refusal of the Dutch commanders to receive any of the queen's troops into, or permit them to pass through the towns in their possession, they retired into Ghent and Bruges; the former having been their usual quarters, and the citadel thereof having been garrisoned by them from the beginning of the campaign: but the said earl does not know, or believe there was any treacherous or destructive design in the marching of those troops into, or taking possession of, those towns: nor doth he know, or believes it was done in concert with any of the ministers of France, who, he is confident, were not privy to, or knew any thing of it, till after it was executed; nor doth the said earl discern how it contributed to the prejudice of the confederates, or advantage of the French army but, on the contrary, the said earl is very well assured, that it proved greatly to the advantage and security of the former, whose convoys were thereby protected, and the communication between Holland and the confederate army kept open; and the advantages thereby to the common cause were so notorious and visible, that the allies frequently expressed their satisfaction that those important places had been so well secured, by which means the allies had all the advantages of those towns without being at the expence of garrisons, the furnishing of which would have obliged them to make such detachments from their army as would have rendered it difficult for them to have kept the field; and, on the other hand, the French ministers frequently complained of the great disadvantages occasioned thereby to the arms of their master, whom they thought not well treated by her majesty on that account; and the said earl apprehends, that the British troops had equal right with those of the States, to enter into Ghent and Bruges, or any other place of the Low Countries, which by agreement were under the joint government of the queen and the States General; and this happened at that time to be of the greater importance, since the queen's troops were thereby enabled to maintain a communication with Dunkirk and England; and was afterwards found likewise very useful, towards obtaining the removal of the unjustifiable impositions laid by the Dutch upon the British merchandize in the new conquests in the Netherlands, which they themselves had many months owned to be a grievance, but had not before thought fit to redress.

"The said Earl humbly hopes, he has fully answered the several Articles exhibited against him, and he doubts not but your lordships will, in your great wisdom, maturely weigh the nature of the charge, which is chiefly founded on his transactions abroad with the ministers of foreign princes and states, whose testimony, though never so material towards clearing his innocence, it will be impossible for him to produce he assures himself, your lordships will have a due regard to the wide extent, the great length and intricacy, of the negociations wherein he was engaged by his late sovereign's express commands; to which he did the more cheerfully submit, being joined in the most considerable parts thereof with a reverend prelate, whose long residence abroad, and experience in the methods of treating with foreign princes and states, had abundantly qualified him for the discharge of so important a trust. However the said earl on his part may in any respect have been unequal to the province assigned him; yet sure he is, that he always endeavoured to acquit himself therein with the utmost integrity; and cannot but express his just detestation of the many evil intentions wherewith he is loaded by the said Articles, and, as he humbly apprehends the several facts mentioned in the Articles (if they could be proved) will not appear criminal abstracted from the ill motives and designs from which they are supposed to proceed; so, he is fully persuaded, your lordships will distinguish between the actions themselves and the intentions wherewith they are charged to be done; and he assures himself, that your lordships will judge of the sincerity of his intentions by the tenor of all his letters and papers, and not by any particular passages selected from them; and is secure in your lordships justice, that no strained construction of any such passages will be made by your lordships to his prejudice. He cannot but think himself extremely unfortunate, in falling under the displeasure of the honourable House of Commons; nor could he receive the first intimation of it without the greatest surprize, not being conscious to himself that he had transgressed any known law He was not without hopes, having spent the best and greatest part of his life abroad in the army and in several embassies, always endeavouring to promote the welfare of his country, that he might at his return have met with its approbation, as a recompence for his long and faithful services; however, he comforts himself with this reflection that every step of his proceedings in the late negociations was laid before their majesty, and

received her royal approbation · nor will it, he conceives, be judged improper, if he observes to your lordships, that the States General, in their letter to her majesty, a little before the signing the peace, acknowledged they could not enough command her plenipotentiaries, for the assistance they had given them in their treaty with France, and that all the Allies gave frequent marks of their esteem for the said earl and his colleague, on account of the many services they had received from them. The said earl is confident, it will appear to your lordships, that although he did, with the utmost application, pursue the good of his own country preferably to that of any other nation whatsoever, yet he was never wanting to promote the advantage of the Allies, particularly of the States General, where it did not interfere with the interest of Great Britain. A separate treaty of peace was so far from his thoughts, that, on the contrary, he was truly zealous to make it general; and he had the happiness to succeed therein, in as great a degree as was ever known, when so many confederates were concerned; nor was the said earl less zealous in supporting, to the utmost of his abilities, the honour and reputation of his late royal mistress, which was so far from being prostituted, or suffering any diminution, by his negotiations, that her majesty did through the whole course of those negotiations, and to the very hour of her death, maintain as great and glorious a character as any of her royal predecessors, or as she herself had done in any former part of her reign.

"And as to all other matters and things in the said Articles contained, and not herein before particularly answered, the said earl saith, he is Not Guilty of them, or any of them, in the manner and form as the same are charged upon him in and by the said Articles; and humbly submits himself to your lordships judgment

"STRAFFORD"

The Impeached Lords brought to the Bar of the House of Lords.] January 19. The order of the day being read, for bringing James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, to the House of Lords in order to their putting in their several Answers to the Articles of Impeachment of High Treason, exhibited against them by the House of Commons:

THE EARL OF DERWENTWATER'S ANSWER TO THE ARTICLES OF IMPEACHMENT.] The said earl of Derwentwater was brought up to the bar, by the gentleman Usher of the Black Rod; where he kneeled until the lord chancellor directed him to rise. And his lordship acquainted him with the above mentioned order; and demanded of him, 'If he was ready to put in his Answer?' which he said, 'he was.' And delivering the same at the bar; it was read as follows, [image illegible] by the Usher

"The ANSWER of JAMES, Earl of DERWENTWATER to the Articles of Impeachment of High Treason exhibited against him by the honourable the Knights, Citizens, and Burgesses, of Great Britain, in Parliament assembled.

"To a charge of so high and heinous a nature, the said earl cannot answer without the deepest concern and affliction; which becomes more weighty from the share the honourable House of Commons have been pleased to take in the accusation. He assures himself, however, that great assembly doth not engage in the prosecution of an offence, so open to conviction in the ordinary course of law, with design to intercept that mercy, which the earl, from the report of his majesty's natural goodness, had reason to expect it would be a thought unworthy any member of that august body, to imagine he could have the least desire of spilling the blood of any of his fellow subjects, whom his majesty's great wisdom should think a fit object of his mercy. The said earl therefore hopes that his prosecution is taken out of the common course of justice, with intentions, that if, in his particular case there shall appear any circumstances inducing favour or compassion, both your lordships and the Commons may be intercessors with his majesty for grace towards him; whereby the exercise of the royal mercy, upon which the earl depended (which amongst all the virtues of the crown, most endears a monarch to the love and affection of his people), may be extended in such manner, as may demonstrate that clemency for which his majesty is so greatly renowned, and not encourage any to offend upon the presumption of it for the future. The said earl acknowledges, with a real sorrow, that, at the time in the Articles mentioned, he was in arms, and with others did march through and invade several parts of this kingdom; and confesses he is thereby guilty of the offence wherewith he is charged in the said Articles. But, if any one offence of that kind was ever attended with circumstances which might move compassion, the said earl hopes he may be entitled to it. He begs leave to inform your lordships, that his temper and inclination disposed him to live peaceably under his majesty's government, and he never had the least prejudice or malice against his person; nor was he ever heretofore concerned in, or privy to, any design or contrivance to subvert or disturb the established government, the laws or religion of this kingdom; and, if any methods were taken by others to accomplish any of those ends, he was absolutely a stranger to them; nor did he now engage in this unhappy undertaking upon any previous concert or contrivance for any such purpose, but being young and unexperienced, he rashly, and without any deliberation, engaged himself to meet at Plainfield, in Northumberland, on assurances that many of his relations and acquaintance would

appear there. That his undertaking was sudden, appears that he engaged to it without any previous preparation of men, horses, arms, or other warlike accoutrements. And as the said earl cannot be justly reproached with any cruel, severe, or harsh action, during the continuance in arms; so he took the first opportunity that offered of submitting to the king's mercy. After the sudden skirmishes at Preston, the said earl, with others, was solicitous to prevent any further destruction of the lives of his majesty's subjects, and instrumental to induce all in arms to submit themselves to the king, provided they might be secured of their lives: one of his majesty's officers, sent from the general, gave them encouragement to believe, that the surrender of themselves would be the ready way to obtain the king's mercy; in confidence whereof, when a cessation was agreed on, the said earl offered himself to become one of the hostages for them all the next morning; in which time he received further assurances from the officers, "That the king was a prince of known clemency; that this was a distinguishing part of his character; and that the free surrender to mercy would be the most proper means to obtain it." The said earl believes his majesty's officers were very sensible, and will be so just as to acknowledge, that it had not been impracticable for many of those at Preston to make their way through his majesty's forces; but this attempt must have occasioned the loss of many lives, and might been productive of ill consequences to the government, which the said earl was desirous to prevent; and, when the time agreed on for the cessation was near expired, and general Wills seemed uneasy in not having received any message from those in the town, the said earl writ a letter, to exhort them to surrender to the king's mercy; and, at the same time, declared to the said general and other officers, "That whatever happened, he was determined to continue with them, and rely entirely on his majesty's clemency, and goodness, which he had encouragement to expect." And, in such circumstances, the said earl cannot distrust your lordships or the Commons' readiness to use their mediation for mercy on his behalf; which will lay him under the highest obligations of duty and affection to his majesty, and perpetual gratitude to both Houses of Parliament. DERWENTWATER."

The material words of which Answer appearing not to be sufficiently express and clear; the Lord Chancellor asked the said earl, "If he meant, by the said Answer, to plead Guilty to the said Articles of Impeachment?" He says "He does; and submits to the king's mercy; and humbly desires their lordships intercession to his majesty;" and his said Answer and Plea is recorded accordingly. And he withdrew.

LORD WIDDRINGTON'S ANSWER.] Then the Lord Widdrington was brought to the bar; and, having there also kneeled, was acquainted by the Lord Chancellor with the [illegible] Order, and asked the same question as the earl of Derwentwater. He likewise delivered in his Answer; which was read as follows:

The ANSWER of WILLIAM Lord WIDDRINGTON, to the Articles of Impeachment of High Treason exhibited against him, by the Honourable the Knights, Citizens, and Burgesses, of Great Britain, in Parliament assembled.

"It is with inexpressible concern and affliction the said lord appears before this august assembly, charged with crimes of the most heinous nature: and though it is natural to mankind to endeavour to conceal their guilt, and make use of all manner of defence, especially in the case of life; yet, as he surrendered himself at Preston, entirely relying on his majesty's mercy: so he is now resolved not to take any measures which may argue the least diffidence of that mercy, or of your lordships goodness; and therefore, the said lord confesses, he is Guilty of the Treason wherewith he is charged in the said Articles. And, after having thus freely acknowledged his offence, he begs leave to lay his case before your lordships; and humbly hopes, when the particular circumstances are considered, it will not be thought to merit the most rigorous punishment; but that both your lordships and the honourable House of Commons will look upon him as a proper object of his majesty's clemency: And he humbly hopes, he may be thought the less unworthy of favor, in that he never before offended, nor was at any time privy to, or acquainted with, any design, or contrivance, to destroy, or disturb, the established government, the laws, or religion, of this kingdom: but came unawares into this sudden and unpremeditated action; for, although he hath met with public rumours and reports of intended invasions from abroad, and insurrections at home; yet he never knew, or any other way heard, of any formed design against the government, till he was told, the night before, of a meeting intended at Plumefield, in Northumberland, on the 6th of October last; and being soon after informed, that almost all his neighbours and acquaintance had met there in arms, he took a hasty and inconsiderate resolution of joining them: Nor was he in any sort prepared for such an undertaking, having only some of his own family with him, no arms but his common fowling pieces and wearing swords, and fewer horses than he had constantly kept for several years before; and nothing but the report of so many of his friends being engaged could have hurried him on to an extraordinary, so unaccountably rash and unjustifiable And he is willing to hope, your lordships will esteem it some alleviation of his crime, that, in a commotion of that nature, there was so little violation of the rights and properties of those who opposed them; for, he believes, few instances can be found, where such a multitude continued so long in arms, without doing

greater acts of violence and injustice. The said lord cannot charge himself with any injurious acts to the property of his fellow subjects, and endeavoured to prevent them in others; and hopes it was thence owing, in some measure, that there was shown all along greater marks of moderation and humanity than is common in such a warlike and hostile proceeding. The suddenness of the attack at Preston, without any previous summons, admitted no time for meditating a submission before the loss of that blood which was there unfortunately spilt; but, after the heat and surprize of the first action was over, a cessation of arms was desired: and, upon the mutual messages which then passed, the officer sent from the general encouraged them to believe the surrendering themselves would be the ready way to obtain the king's mercy; and gave them repeated assurances, 'That they submitted to a prince of 'the greatest clemency in the world' Upon these hopes and assurances, they made a general surrender of themselves to the king. And the said lord may justly take notice to your lordships, that, as he was the last who took up arms, so he was the first who procured a meeting of the chief persons among them in order to lay them down; and cannot doubt but your lordships and the honourable House of Commons will think it equitable to make some distinction between an obstinate resistance and an early and humble submission, whereby the peace and tranquility of this part of his majesty's dominions was entirely restored. Nature must have started at yielding themselves up to a certain and ignominious death; when it must be acknowledged, that it was not impracticable for many of them to have escaped: and it was possible so great a number, grown desperate, might have obtained farther success, and thereby prevented the so speedy suppressing that insurrection: But the said lord and the rest having, with the utmost confidence, relied on the assurances of his majesty's great clemency, and the hopes of mercy which had been given them from the officers who commanded the royal forces; he is encouraged, with great earnestness, to implore the intercession of your lordships and the honourable House of Commons with his majesty, for that mercy on which they wholly depended: and as he doth not know where mercy was refused to those who so early and with so much resignation submitted to it; so, he humbly hopes, your lordships may be induced to think that the exercise of this divine virtue, by his majesty, towards those who cast themselves at his royal feet upon the sole prospect and expectation of it, will appear no less glorious to his majesty, and prove as less advantageous to the future quiet and tranquillity of his government, than any examples of justice, in such a case, can be likely to do: and whatever marks of goodness and favor his majesty shall vouchsafe to the said lord will not fail to engage him, by the strongest ties of gratitude, to demonstrate, in the future course of his life, the most sensitive and inviolable duty to his majesty, and the most real esteem and veneration for your lordships and the honourable House of Commons. Wimbrington."

And the said lord Widdrington being asked, "If he had any thing further to say?" He begged "to be excused all imperfections in his said Answer;" says, "he has been indisposed with the gout in his stomach, and was not able to employ himself in preparing his Answer till last night, and finished it but this morning; and humbly implores their lordships intercession to his majesty, for favour and mercy;" and his Answer and Plea is recorded accordingly. And he withdrew.

The Earl of Nithisdale's Answer.] Then the earl of Nithisdale was brought to the Bar. And having there likewise kneeled, was acquainted with the forementioned Order, and asked the same question as the earl of Derwentwater. And he also delivered in his Answer; which was read as follows:

The ANSWER of WILLIAM Earl of NITHISDALE, to the Articles of Impeachpeachment of High Treason, exhibited against him by the honourable the Knights, Citizens, and Burgesses, of Great Britain in Parliament assembled.

"It is with the utmost confusion the said earl appears at your lordships bar, under the weight of an Impeachment by the Commons of Great Britain, for High Treason. He humbly begs leave, in extenuation of his crime, to assure your lordships that he was always a zealous asserter of the liberties of his country, and never engaged in forming or carrying on any design to subvert the ancient established government, and the good laws of this kingdom: but being summoned by those entrusted with the administration of the government in Scotland, to appear at Edinburgh; and being assured, if he went thither, he should be made close prisoner; he did not obey the summons; but in all humble manner, applied for their indulgence, in dispensing with his being committed to gaol: offering to give any bail for his peaceable and quiet behaviour: which being refused; and being at that time in so ill a state of health, that a confinement in Edinburgh castle would have endangered his life; he was forced to abscond and keep private, till several of the persons mentioned in the said Impeachment, with many others of his neighbours, appeared in arms, very near the place where the said earl lay concealed; and then he inconsiderately and unfortunately (with four of his domestics and no other person whatsoever) joined them, and proceeded in their company to the places in the said Articles of Impeachment mentioned; but he knew nothing of the intended insurrection till they were actually in arms. The said earl is deeply sensible of his great offence; and, not affecting delay, nor being willing to give your lordships or the honourable House of Com-

mons any unnecessary trouble; he does, with a sorrow equal to his crime, confess that he is Guilty of the Treason in the said Articles of Impeachment contained; and throws himself at his majesty's feet, imploring his royal mercy. And, to incline his majesty thereto, and induce your lordships to recommend him as an object thereof, he begs leave to inform your lordships, that, when he and the rest that were with him at Preston had engaged in a battle, a cessation of arms being agreed to, they had intimations from his majesty's officers, 'That if they sub-'mitted, they might expect the king's mercy;' and history abounding with instances of conditions, stipulated by generals, even with rebels, and afterwards agreed to and confirmed by their sovereigns, they were prevailed on by such encouragement, together with the consideration of his majesty's known clemency, to surrender themselves prisoners; whereby the lives of great numbers of his majesty's good subjects were saved, which, by an obstinate resistance, would inevitably have been destroyed: And therefore, he most humbly begs your lordships will be pleased to represent his case to his majesty in the most favourable manner; not doubting but, by your lordships powerful intercession, he shall find, that as he performed the duty of a good Christian in concurring to prevent the effusion of blood, so he acted the part of a wise man in relying upon a mercy so extensive as that of his majesty. And he presumes, when the honourable House of Commons are apprised of the nature of his case, they will not interpose, to prevent him from having a share in the benefit of that mercy.

NITHISDALE."

And the said earl of Nithisdale being asked, "If he had any thing further to say?" He says, "He has nothing, but to implore the King's mercy." And his Answer and Plea is recorded accordingly And he withdrew.

The Earl of Winton's Petition, for other Counsel, and further time allowed him to answer.] Then the earl of Wintoo was brought to the bar. And, having there likewise kneeled, was acquainted by the Lord Chancellor with the forementioned Order, and asked the same question as the earl of Derwentwater. He said, "He had a Petition to present to the House; he was an entire stranger to the nature of their lordships proceedings; and desired his Petition might be read." And the same was read, as follows.

"To the right honourable the Lords Spiritual and Temporal in Parliament assembled. The humble PETITION of GEORGE Earl of WINTOUN;

"Humbly sheweth;

"That, on Thursday last, I having applied to your lordships, representing how I had caused application to be made to two lawyers, to act as counsel for me, in the Impeachment exhibited before your lordships against me by the honourable House of Commons; and that they both declined to meddle, for reasons then given; your lordships were pleased to allow me some more time for nominating of counsel and solicitors, and this day for giving in my Answers; but, by reason of my close confinement, and that your lordships order for allowing some persons to have access to me expired on Friday last, at eleven forenoon; I have had no opportunity of naming other counsel and solicitors; nor can I have the assistance of any, till they are appointed by your lordships, and they allowed access to me—That your petitioner has several specialties and matters of great moment, which he conceives necessary to be a part of his Answers, and which cannot be drawn into form without the assistance of his counsel and solicitors—Forasmuch, therefore, as this affair is to me of the greatest importance; may it please your lordships, to assign sir Constantine Phipps and Mr. Peer Williams to be counsel, and Charles Menzies and Mr. James Lesslie to be my solicitors, and to order that they may have access to me from time to time, during my trial, as also that your lordships would be pleased to allow Mr. George Hereot, a minister of the church of England, to have access to me from time to time, seeing I am confined in a room alone. And your petitioner shall ever pray, &c. WINTOUN."

The said earl of Wintoun was directed to withdraw. And being withdrawn accordingly; The Order made on Thursday last, upon his Petition, was read as also the several orders made on Monday last.

Ordered, That the counsel mentioned in the said Petition be assigned him, and that either of the said solicitors he likewise assigned; and that he have time to put in his Answer to the said Articles till Monday next; and that the clergyman mentioned in his petition, being his relation, may have access to him, provided he will stay in custody with him during his confinement.

Then he was again called in. And the Lord Chancellor acquainted him, "That the House had considered his Petition; and assigned him the counsel he desired, and would assign him either of the two solicitors he should choose; and that the clergyman abovementioned might come to him, upon the condition before expressed."—Then the said earl of Wintoun naming Mr. Menzies, the House accordingly assigned him for his solicitor; and ordered that the said counsel and solicitor may have access to him from time to time, at all seasonable hours. And he withdrew.

The Earl of Carnwath pleads Guilty.] Then the earl of Carnwath was brought to the bar. And, having there likewise kneeled, was acquainted by the Lord Chancellor with the forementioned Order, and asked the same question as the earl of Derwentwater. He says, "He has no Answer in writing; but desires to throw himself on the king's mercy, and humbly implores their lordships intercession to his ma-

jesty, on his behalf; and assures the House, if the same were granted, he shall think himself obliged to live under the strictest ties of loyalty to his majesty. And as to the said Articles, he says, he is Guilty of the High Treason contained in the said Articles of Impeachment against him." And the said Plea is recorded accordingly. And he withdrew.

Viscount Kenmure pleads Guilty.] Then the viscount Kenmure was brought to the bar. And, having there kneeled also, was acquainted by the lord Chancellor with the forementioned order, and asked the same question as the earl of Derwentwater. He says, "He has no Answer in writing; but is Guilty of the charge of High Treason contained in the Articles of Impeachment against him; and begs the House will intercede with his majesty for mercy." And his Plea is recorded accordingly. And he withdrew.

Lord Nairn pleads Guilty.] Then the lord Nairn was brought to the bar. And, having there also kneeled, was acquainted by the lord Chancellor with the forementioned Order, and asked the same question as the earl of Derwentwater. He says, "He throws himself upon the king's mercy; and begs the intercession of this House to his majesty. And as to the Articles of Impeachment exhibited against him; he says, he is Guilty of the High Treason contained in the said Articles." And his Plea is recorded accordingly.

Then he delivered in a Petition, at the bar; and the same was read, as follows:

"To the right honourable the Lords spiritual and temporal in parliament assembled, the humble Petition of WILLIAM Lord NAIRNE;

"Sheweth,

"That your petitioner was educated, and hath always continued, a Protestant, according to the discipline of the church of England; and though, by reason of some mistaken principles he unwarily imbibed in his tender years, he did not in all respects conform to the late Revolution, lying under the less necessity, for that he had married an heiress, in whom all the right of your petitioner's estate is invested; and though he never took the oaths, yet he always peaceably submitted to, and lived quietly under, the government as by law established, until the breaking out of this rebellion, in which your petitioner was inadvertently involved; but not before the lord Mar and his adherents had for a considerable time, made themselves masters of Perth and Dunkeld, and thereby surrounded your petitioner's whole estate, and came to your petitioner's house lying in the middle between those places.

"Your petitioner heartily repents of this rash undertaking, and solemnly declares, he knew nothing of any previous consultations, or conspiracies in favour of the Pretender, before he actually appeared in arms; nor knew any thing about crossing the Forth, until the morning he was sent over under M'Intosh's command; and then was so far from approving of that expedition, that though, to avoid the imputation of cowardice, he would hazard his own person therein; your petitioner ordered back all his dependants, and was only attended by his son and four servants, who would not leave him in a time of danger, though often desired: Nor was your petitioner privy to any designs of marching into England; for, having been bred a seaman, he had no pretensions to knowledge in the land service.

"Your petitioner, being now sensible of his errors, hath pleaded Guilty to the Articles of Impeachment of High Treason, exhibited against him by the honourable House of Commons, and thrown himself at his majesty's feet; humbly beseeching your lordships, in commiseration of the deplorable circumstances of your petitioner and his twelve children, to recommend him to his majesty for that mercy, which, at the time of his surrender, he was made to believe he might reasonably expect.

"This will lay your petitioner and his posterity under the greatest obligations of duty and gratitude to his majesty, and bind them for ever to bless your lordships, as the merciful instruments of procuring such a gracious deliverance. And your petitioner shall ever pray, &c.

"NAIRNE."

And being asked, "If he had any thing further to say?" He said, "he had not." And withdrew.

Then the House was informed, "That on the day the said several lords were brought before to this House, notwithstanding their lordships order, That no person should have admittance to them without the special leave of the House, it was reported, and believed, that, on their return to the Tower, they were allowed to dine at a tavern, and suffered to continue there for some time."

Thereupon the Lieutenant of the Tower was called in, and examined touching the same; and acknowledged, "That the said lords, complaining they were faint, at their request, were permitted to go into the Fountain tavern in the Strand, and stayed about half an hour, during which time they were strictly guarded." And then he withdrew.

Ordered, That the said several lords be carried directly to the Tower when they go from hence; and if they desire any refreshment they take it here. And the said Lieutenant was called in, and acquainted with the said Order.

Then a message was sent to the House of Commons by Mr. Holford and Mr. Lovibond: To acquaint them, that James earl of Derwentwater, William lord Widdrington, William earl of Nithsdale, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairne, have severally pleaded Guilty, at the bar of this House, to the Articles of Impeachment of High Treason exhibited against them by the Commons; which pleas this House

both recorded And, upon the petition of George, earl of Winton, their lordships have allowed him time till Monday next, to put in his answer to the said Articles.

The Impeached Lords sent back to the Tower.] Ordered, That the several lords impeached be conveyed back to his majesty's Tower of London, by the Lieutenant thereof, to be there kept in safe custody: And that the said Lieutenant do bring George earl of Winton to this House, on Monday next, at 12 o'clock, in order to his putting in his Answer to the Articles of Impeachment of High Treason, exhibited against him by the House of Commons.

Debate on a Clause proposed to be added to the Bill for suspending the Habeas Corpus Act.] January 21 The Lords, in a committee of the whole House, took into consideration the Bill from the Commons "For continuing the Act to impower his Majesty to secure and detain suspected persons, &c" and lord Harcourt proposed a clause, "For assigning the reason of the commitment; and for punishing Informers in case they accuse innocent persons; as also for excepting Peers out of this Act." He was backed by lord Trevor, the duke of Buckingham, and the earl of Abingdon, but the question being put thereupon, it was carried in the negative by 64 voices against 14: after which the Bill was read the third time, and passed without amendment.

Protest on rejecting the said Clause.] Hereupon the following Protest was entered:

"Dissentiant'

"1. Because some provisions, which, in former bills of this nature, were thought necessary to prevent unjust imprisonment, are omitted in this.

"2. Because the manner of continuing the suspension, by reference only, deprived this House of the opportunity freely to debate the several parts of the act so continued.

"3. Because by this bill the liberty of the subject is in greater danger, than if the act suspended were totally repealed.

"4. Because no provision is made in this act for restraining the extravagant execution of the power given to ministers, who are, like other men, subject to passion and revenge, at whose will and pleasure the most dutiful and loyal subjects may be deprived of their liberty, and all conversation with their best friends and dearest relations; which may tend to alienate from his majesty their affections, the best security against invasions from abroad or rebellion at home.

"5. Because, though it may be necessary, in this time of danger, to continue the suspension of the said act, with proper provisions, yet not for so long a time as is proposed by this bill, while the parliament is like to continue sitting

"6. Because the antient rights and privileges of parliament, particularly for preventing the imprisonment of members of both Houses, are not by this act sufficiently provided for, which may intimidate the members from using freedom of speech in parliament, so necessary for advising his majesty and for restraining the exorbitant power of evil ministers.

"ABINGDON."

Debate in the Commons concerning the Bill for suspending the Habeas Corpus Act.] The said Bill had been strenuously opposed in the Commons;

Mr. *Shippen* made a speech against it, in which he insisted, "That it invaded the most valuable right of English subjects, encouraged malicious informations, and gave a handle to those in power to oppress innocent persons; he therefore moved to have a clause inserted in it, to prevent illegal imprisonments, and for the better securing the liberty of the subject in cases not within the purport of the said act." He was answered by

Mr. Secretary *Stanhope*, who endeavoured to shew the necessity of the said act, at a time of open rebellion; and appealed to the whole House, whether the king or his ministers had made an ill or a wanton use of the power with which the parliament had thought fit to intrust his majesty.—And the question being put upon Mr. Shippen's motion, it passed in the negative.

The King's Speech relating to the Pretender's heading the Rebellion in Scotland.] The King having given the royal assent to the said Bill, the Lord Chancellor, by his majesty's command, read the following Speech to both Houses:

"My Lords and Gentlemen;

"I had reason to believe, when I spoke last to you, that the Pretender was landed in Scotland; the accounts I have received since do put it beyond all doubt, that he is heading the rebellion there, and does assume the stile and title of king of these realms; his adherents do likewise confidently affirm, that assurances are given them of support from abroad. This parliament hath, on all occasions, expressed so much duty to me, and so true a regard for the religious and civil rights of my people, that I am persuaded this daring presumption of our enemies will heighten your just indignation against them, and beget such farther resolutions as, with the blessing of God, will enable me to defeat their attempts.

"Gentlemen of the House of Commons;

"The most effectual way to put a speedy end to these troubles will be to make such a provision as may discourage any foreign power from assisting the rebels; I do therefore hope, that every sincere Protestant and true Briton will look upon the extraordinary expence, which a timely preparation may require, to be the best husbandry, since it will, in all human probability, prevent that desolation and those calamities, which would unavoidably ensue, if the rebellion should be suffered to spread, and be supported by Popish forces from abroad.

"My Lords and Gentlemen;

"The world must be convinced, by all you have already done, that you have nothing but the honour and interest of your country of heart; and for my own part I rely entirely upon you, and doubt not but you will take such resolutions at this juncture, as will be most for the present safety, and future ease of my people."

The Lords' Address thereon.] The King being retired, the Lords ordered, That an humble Address be presented to his majesty, on this occasion; and a committee being appointed, the Address was the same day reported, read, and agreed to; and, on the 25th the House waited on his majesty with the said Address, as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects the Lords spiritual and temporal in parliament assembled, beg leave to assure your majesty, that the landing of the Pretender in this kingdom, hath increased our indignation against him and his adherents; and that we are fully convinced that it is not only requisite for the security, but also for the future ease and interest of your majesty's subjects, to exert themselves on this occasion in a more than ordinary manner, to put a speedy end to these present disorders, and to prevent those calamities which must attend a lingering rebellion within the kingdom, and to discourage its being supported by any assistance from abroad; and that we will, to the utmost of our power, assist your majesty, not only in subduing the present rebellion, but in destroying the seeds and causes of it, that the like disturbance may never rise again to impair the blessings of your majesty's reign."

The King's Answer.] To this his majesty returned the following Answer:

"My Lords;

"This Address is a fresh instance of your duty and affection to my person and government, and of your just and tender concern for the safety of my people. The vigour and resolution you express on this occasion will, I hope, contribute very much to the putting a speedy and effectual end to this rebellion."

The Commons' Address.] January 24. The Commons presented an Address to the king as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, do, with all humility, return our unfeigned thanks for your majesty's most gracious speech from the throne, and for your great goodness in communicating to us those important advices which so highly concern the immediate safety of your kingdoms.

"We can never sufficiently express our grateful sense of your majesty's constant care and tenderness for your people on every occasion, since your accession to the throne of your ancestors; but it is with the utmost satisfaction of heart, that we now experience the happy effects of that just confidence which your loyal and affectionate Commons have already reposed in your great wisdom, for making such augmentation of troops as your majesty should find necessary for our common safety: and though the growth of the rebellion has already necessitated an increase of forces; yet we must ever acknowledge your wise and tender concern for your people, in having made provision for our defence in such a manner at this time of common danger, as must convince the world, that it is with the utmost reluctancy to your majesty, that any further burdens are brought on your subjects; and that your majesty has nothing at heart, but the security and welfare of our people.

"Your dutiful Commons do likewise acknowledge, with the highest gratitude to your majesty, that by the prudent disposition of your forces, not only the designs of our enemies to have raised insurrections in many parts of the kingdom have been entirely frustrated, and the peace and tranquillity of these nations thereby in a great measure, preserved; but to that we owe, under God, those signal successes which have checked the progress of the Rebellion, and which have given us, your faithful Commons, so early and just an occasion to exert ourselves in the most vigorous and effectual manner, for bringing some of the chief actors to condign punishment. We are astonished at the daring presumption of the Pretender and his adherents, and do most sincerely and heartily assure your majesty, that our indignation is hereby heightened against them; and that we cannot so far forgat our duty and affection to your majesty, and our concern for our religion and liberties, as not to take at this critical juncture, such farther resolutions, as will enable your majesty, with the blessing of God, to defeat their designs. Your faithful Commons being therefore firmly and unalterably resolved to spare no expence, and to decline no hazard for the support of your majesty's title and government, whereon all that is dear and valuable to us and our posterities, under God, entirely depends; and being most earnestly desirous to give all imaginable proofs of our constant and unshaken zeal and affection for your sacred person, and being thoroughly convinced that we cannot more effectually consult our own security, than by testifying our entire confidence in your majesty's known justice, wisdom and goodness, do most humbly beseech your majesty, that you will be graciously pleased to give directions, from time to time, for such farther augmentation of troops as the exigency of affairs shall render necessary.

"And we farther assure your majesty, that we will grant such supplies as shall be sufficient not only to maintain such additional forces, and to defeat all attempts of your enemies, both at home and abroad, and to prevent those calamities which must ensue, if this unnatural Rebellion be suffered to spread; but

also to enable your majesty, with the blessing of God, effectually to shew your resentment against any foreign power, that shall presume directly or indirectly, to abet or support the Pretender or his adherents.

The King's Answer.] To this Address the King answered:

"Gentlemen,

"I thank you heartily for this Address. If any thing could add to the good opinion this House of Commons deserves from me, it would be the zeal and unanimity you have shewn upon this occasion. You may depend upon my continuing always as I have hitherto done, to make use of the confidence and powers you put in me only for restoring and securing the peace and quiet of my people."

Judgment demanded against the Rebel Lords.] Jan. 25. The House of Lords being informed, That the Commons, with their Speaker, were at the door; They were called in; and Mr. Speaker said,

"My Lords By commond of the House of Commons, I do, in the name of themselves and of all the Commons of Great Britain, demand judgment against James earl of Derwentwater, William lord Widdrington, William earl of Nithisdale, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn, impeached by the Commons of High Treason, of which they have confessed themselves Guilty." And then they withdrew.

Ordered, that, to morrow morning, this House shall be put into a Committee of the whole House, to consider of the forms and methods of proceeding to judgment, in a case of such nature as that of the six lords who have pleaded Guilty to the Impeachment of the House of Commons, and that the Judges do then attend.

The Earl of Wintoun's Answer to the Articles of Impeachment.] The Earl of Wintoun delivered in, at the bar, his Answer in writing. Which was read as follows;

"The ANSWER of GEORGE Earl of WINTOUN, to the Articles of Impeachment exhibited against him by the honourable House of Commons, for High Treason and other High Crimes and Misdemeanors.

"The said earl, saving to himself all benefit of exception to the incertainties and insufficiencies in the said Articles of Impeachment contained, and also all advantages and privileges belonging to him as a peer of Great Britain, for answer to the said Articles, says, that he cannot but esteem it the greatest addition to his afflictions, to fall under the displeasure of the honourable House of Commons; yet, as his innocence under these misfortunes is his support, so he hopes it will be his security. He, being taken with persons that were in arms against the government, might reasonably be presumed to be equally guilty, and to be justly joined with them in the same Impeachment; but when it shall appear how much the circumstances of his case differ from others, he does not doubt but your lordships great justice will distinguish him in judgment, and that it will be as pleasing to that honourable body who are his accusers, to have an innocent man acquitted, as one that is guilty condemned. He begs leave to take notice, that he is descended from a very ancient, noble family, as whose blood the streams of loyalty were always pure, never corrupted or polluted with treason or sedition: and he never degenerated so much from his loyal ancestors, as to form or carry on any design to subvert or alter the constitution of these kingdoms; but, for the preservation of it, was upon all occasions ready to sacrifice his fortune, and even his life. He was so cautious to avoid giving occasion to be suspected by the government, that about eight years ago upon his return from his travels, he withdrew from all conversation, and confined himself to his house; never corresponded by letter with any person whatsoever: Yet, to his great misfortune, he could not be quiet or safe in his closet retirement: for many persons, both officers and others of the militia of the shire of Lothian, under the specious pretence of serving the government, but in reality actuated by private pique and revenge, several times, contrary to law, forcibly entered by night into his dwelling-house called Seaton Palace, rifled it, turned his servants out of doors, and carried away the provisions of his family: The most sacred places did not escape their fury and resentment; they broke into his chapel, defaced the monuments of his ancestors, took up the stones of their sepulchres, thrust irons through their bodies, and treated them in a most barbarous, inhuman, and unchristianlike manner cannon and mortars were brought to demolish his house; and several troops of dragoons having got the possession thereof, some of them kept guard there; and when they left it, many of the militia entered, and kept possession thereof till they were driven from thence by the Highlanders; by whom he was likewise very ill treated, he being the only person that was plundered by them. By these and many other severities, the said earl was forced to leave his house, and seek for shelter among his tenants and neighbours, where he was pursued from house to house: and at last very unfortunately driven into the company of some of the gentlemen named in the Impeachment. He presumes to affirm to your lordships, that he did not join them with a traiterous or rebellious design; but only with an intention to preserve himself from being insulted and assassinated; for he had been once before taken up without any warrant or authority, and having got from the persons in whose custody he was, they threatened, if they could retake him, to murder him: and had before imbrued their hands in the blood of the son of a neighbouring gentleman. He never intended to have left his own country: and when some gentlemen mentioned

coming into England, he opposed it. He was far from assisting or encouraging them in their secrets, nor informed of their designs; and was so much a stranger to their proceedings, that, when they marched towards Northumberland, he was told, 'They were going along 'the skirts of the hills in Scotland, to avoid 'general Carpenter,' but afterwards discovered they were in England, when it was too late; and to return alone into Scotland was too hazardous; which he did not attempt, because he had reason to believe they would soon go back to Scotland.

"Although he was constrained to keep the other lords and gentlemen company, yet he never joined with them in any act of hostility, nor assisted in taking any of the public money, or in seizing any guns or warlike instruments, or countenanced or abetted them therein. He did not, at Preston or elsewhere, fire a pistol, offer violence to any person whatsoever, or in any other manner fight against or resist his majesty's forces; but with the rest surrendered himself to general Wills. The honour of a peer is more valuable than life itself; and therefore he ought to be so much the more cautious that it be not stained with the least imputation of guilt. The said earl knows his innocence; and hopes your lordships will excuse him, if, in justice to himself, and for the preservation of his honour, he does not take upon him the guilt of crimes, the very thoughts of which were always strangers to his breast: and therefore, in answer to the Impeachment, he says, That he is Not Guilty of the Treason and other the crimes and misdemeanors mentioned in the said Articles, or any of them, in manner and form as is therein alledged; and, for his trial, puts himself on your lordships, who are his peers; and begs your lordships to believe, that this answer proceeds from the sense he has of the truth of it, and not from obstinacy, or any inclination to give your lordships and the honourable House of Commons any unnecessary trouble, or from the least doubt or mistrust of his majesty's clemency; but if, upon this trial, it shall appear that he hath committed any act, which, in the rigour of the law, may be construed to amount to the crime of high treason, he hopes the innocence of his heart, and his ignorance of the law, will, by the power of your lordships intercession, render him an object of his majesty's mercy, which he and the rest, at the time of surrendering themselves, were encouraged by his majesty's officers to depend upon.

"The said earl submits his case, thus circumstanced, to your lordships great wisdom and judgment; and humbly prays your lordships favourable interpretation thereof; not doubting but to make his innocence appear to your lordships satisfaction. "WINTOUN."

The impeached Lords condemned.] "The impeached lords having thus pleaded guilty," says Tindal, "the 9th of February was appointed for their receiving sentence. Upon which they were all brought to the bar of the court, erected in Westminster-hall, and had sentence, as in case of high treason, pronounced against them by the lord chancellor Cowper, lord high steward on that occasion. Great solicitations were made with the court and with the members of both houses of parliament, in their behalf, particularly in favour of the earl of Derwentwater. On the 13th of February, the countess of Nithisdale and the lord Nairn's lady, watching an opportunity when the king went through the apartments of the palace, at St. James's, behind a window curtain, without being presented by the lord of the bed chamber in waiting, as usual, on a sudden threw themselves at the king's feet, begging mercy for their husbands. This abrupt and irregular application could not but surprize the king, and those about him, and therefore proved as ineffectual as those, which had been made in a more becoming and artful manner. For a few days after a resolution was taken in council, to cause the sentence passed on these lords to be executed; for which purpose the necessary warrants and orders were, on the 18th of February, sent, both to the lieutenant of the Tower, and to the sheriffs of the city of London and Middlesex. The next morning, the countess of Derwentwater, attended by her sister, and accompanied by the dutchesses of Cleveland and Bolton, and several other ladies of the first rank, was, by the dukes of Richmond and St. Albans, introduced into the king's bed-chamber, where she humbly implored his clemency for her unfortunate consort: and then withdrew.

"It is very probable, the countess of Derwentwater received no favourable answer from the court; for, on the 21st of February, she, with the ladies of some other condemned lords, and about 20 more of distinction, went to the lobby of the House of Peers to beg their intercession: but the Lords did not then think fit to take notice of their petitions. The next morning, the ladies in distress, with a still greater attendance than the day before, went to Westminster to petition both Houses of Parliament, where by this time, not a few members appeared inclined to mercy. Sir Richard Steele, among the rest, offered one of these petitions, and made a long speech on that subject, and was seconded by Mr. Farrer, Mr. Shippen, and some others; but they were opposed by all the leading members of the prevailing side; and, though a great many who used to vote with them, went over on this occasion to the other party, yet a motion being made, and the question put for adjourning to the 1st of March, the adjournment was carried by a majority of seven voices only, 162 to 155.

"The ladies of the condemned lords were more successful with the Peers than with the Commons. The duke of Richmond, a near relation of the earl of Derwentwater, and one of the lords allowed by the House to assist him, could not refuse presenting a petition in his

favour, but at the same time he declared he would be against it. The earl of Derby, out of pity for the numerous family of the lord Nairn, charged himself with a petition in his behalf, as other lords did, upon the like or different motives, with other petitions. The question being put, whether these petitions should be received and read, there arose a great debate, in which the lord Townshend, and several other lords, who upon all occasions had given undoubted proofs of their affection to the present settlement, were against it, but the earl of Nottingham, to their great surprise, declaring for it, his weight, as president of the council, drew to that side several Peers; so the question was carried by 9 or 10 voices. After the reading of the petitions, the next question was, whether, in the case of an impeachment, the king has any power to reprieve? This being also carried in the affirmative, the same was followed by a motion for an Address, to desire the king to grant a reprieve to the lords, who lay under sentence of death. This was opposed by the firmest friends of the government, and even an earl, who was for the two first questions, represented, 'That though clemency was one 'of the brightest virtues, that adorn and sup-'port a crown; yet, in his opinion, the same 'should be exercised with discretion, and only 'on proper objects;' and therefore moved 'That 'they should address the king to reprieve 'such of the condemned lords as should de-'serve his mercy.' This, after some further debate, was carried. Then the earl of Stamford moved, that the time of respite be left to the king, which was readily agreed to; and then the address with these amendments was carried by a majority of 5 voices only. To this Address the king answered, 'That on this, and all 'other occasions, he would do what he thought 'most consistent with the dignity of his crown, 'and the safety of his people.'

"This wise and resolute answer proved, the next day, a great mortification to the jacobite and discontented party, who were extremely elated by the inclinations to mercy, which appeared in both Houses, and which occasioned various reflections. Whatever was the secret spring of these inclinations, it is certain, that in the council, held the same evening, about the execution of the condemned lords, there was a contest between the earl of Nottingham and some other lords, and four days after, that earl was removed from being president of the council, the earl of Aylesford, his brother, from being chancellor of the duchy of Lancaster, the lord Finch, son to the earl of Nottingham, from being one of the lords of the treasury; and the lord Guernsey, his cousin german, from being master of the jewel office. This change, however sudden, was not unforeseen by men of observation; and it justified Mr. Hampden's reflection, not many days before, in the mixed House of Commons, on a motley ministry.

"Pursuant to the resolution taken in the council, orders were dispatched for executing the next morning the earls of Derwentwater and Nithisdale, and the lord Kenmure; and for respiting the lord Widdrington, the earl of Carnwath, and the lord Nairn, till the 7th of March. The same evening the earl of Nithisdale found means to make his escape out of the Tower, in a woman's apparel brought to him by his mother, who came to visit with some relations. The next morning early, three detachments of the guards took their several posts round the scaffold erected on Tower Hill, and, a little before ten o'clock, the earl of Derwentwater and the lord Kenmure were carried in a hackney coach from the Tower to the Transport Office, on Tower Hill, where there was a room hung with black for their reception. From this room to the scaffold (which was all covered with black) there was a passage or gallery railed in. The earl of Derwentwater was first led to the scaffold; and it was observed, that in his going thither, and ascending the steps, his countenance turned very pale. But, after he had been a few minutes on the scaffold, his behaviour appeared resolute and sedate. Having spent some time in prayer with a book, he then addressed himself to the sheriff, and desired, he might have liberty to read a paper which he had drawn up. This request being readily granted, he went to the rails of the scaffold and read what follows.

'Being in a few minutes to appear before 'the tribunal of God, where, though most un-'worthy, I hope to find mercy, which I have not 'found from men now in power; I have endea-'voured to make my peace with his divine majes-'ty, by most humbly begging pardon for all the 'sins of my life, and I doubt not of a merciful 'forgiveness through the merits of the passion 'and death of my Saviour Jesus Christ; for 'which end I earnestly desire the prayers of all 'good christians. After this I am to ask pardon 'of those, whom I might have scandalized by 'pleading Guilty at my trial. Such, as were 'permitted to come to me, told me, that, hav-'ing been undeniably in arms, pleading Guilty 'was but the consequence of having submitted 'to mercy; and many arguments were used 'to prove there was nothing of moment in so 'doing; among others, the universal practice 'of signing leases, whereof the preambles run in 'the name of the person in possession. But 'I am sensible, that in this I have made bold 'with loyalty, having never any other but king 'James the 3d for my rightful and lawful sove-'reign. Him I had an inclination to serve 'from my infancy, and was moved thereto by 'a natural love I had to his person, knowing 'him to be capable of making his people hap-'py. And, though he had been of a different 'religion from mine, I should have done for 'him all that lay in my power, as my an-'cestors have done for his predecessors, being 'thereunto bound by the laws of God and man. 'Wherefore, if in this affair I have acted rashly 'it ought not to affect the innocent. I intend-'ed to wrong nobody, but to serve my king and 'country, and that without self interest; hoping,

'by the example I gave, to have induced others 'to their duty; and God, who sees the secrets of 'my heart, knows I speak truth. Some means 'have been proposed to me for saving my life, 'which I looked upon as inconsistent with 'honour and conscience, and therefore I re-'jected them; for with God's assistance, I 'shall prefer any death to the doing a base un-'worthy action. I only wish now, that the lay-'ing down my life might contribute to the ser-'vice of my king and country, and the re-esta-'blishment of the antient and fundamental 'constitution of these kingdoms, without which 'no lasting peace or true happiness can attend 'them. Then I should indeed part with my 'life, even with pleasure. As it is, I can only 'pray, that these blessings may be bestowed 'upon my dear country; and, since I can do 'no more, I beseech God to accept of my life 'as a small sacrifice towards it.—I die a Ro-'man Catholic. I am in perfect charity with 'all the world, I thank God for it, even with 'those of the present government, who are 'most instrumental in my death. I freely for-'give such, as ungenerously reported false 'things of me; and I hope to be forgiven the tres-'passes of my youth, by the Father of infinite 'mercy, into whose hands I commend my soul.

JA. DERWENTWATER.

P. S. 'If that prince, who now governs, 'had given me my life, I should have thought 'myself obliged never more to have taken up 'arms against him.'

"After the reading of this paper, he delivered it to the sheriff, telling him, he might do with it as he pleased; and that he had given a copy of it to a friend. Then turning to the block, he viewed it close, and finding in it a rough place, that might offend his neck, he bid the executioner cut it off; which uncommon presence of mind was observed with admiration by some of the standers by. Having prepared himself for the blow, by taking off his coat and waistcoat, he lay down to fit his head to the block, telling the executioner, that the sign he should give him was, 'Lord Jesus receive my soul;' and, at the third time repeating it, he was to do his office, which he did at one blow. It was reported, that the night before, the earl of Derwentwater having sent for Mr. Stephen Roome, an undertaker for funerals, and discoursing with him about his own, he told him, he would have a silver plate on his coffin, with an inscription importing, 'That he died a sacrifice for his lawful sovereign;' but, Mr. Roome scrupling to comply with it, he was dismissed. This was the reason, no hearse was provided for him at his execution; so that his head was only taken up by one of his servants and put into a clean handkerchief, and, the body being wrapped up in black cloth, they were both together carried to the Tower.

"Soon after the lord Kenmure was brought to the scaffold in the same manner, accompanied by his son, and some friends, and attended by two clergymen of the church of England. He shewed a great resolution and firmness in his gait and countenance, though some nice observers pretended he was not so calm within as the earl of Derwentwater; which however was contradicted by others. On the scaffold he said, 'he had so little thoughts of dying so 'soon, that he had not provided a black suit, 'that he might have died with the more decen-'cy, for which he was sorry.' He appeared very sincere and fervent in his devotions, often lifting up his hands and eyes to heaven; but (contrary to what he had declared in his speech to the lords, when judgment was pronounced against him) he prayed for the Pretender, and repented of his having pleaded guilty. He embraced and kissed very tenderly most of the officers and gentlemen on the scaffold, and his son and some friends twice or thrice. He had with him Mr Roome the undertaker, who was to take care of his body, and a surgeon, who was to direct the executioner in doing his office. Having prepared for the block, he laid down his head upon it, then raised it up again, still continuing on his knees; gave the executioner some money, and told him, 'He should give 'him no sign, but, when he laid his head down 'again he might do his work as he saw good.' Then, having lifted up his hands in prayer a short time longer, he laid down his head again, which the executioner severed at two blows. Both the head and body were put into a coffin, and conveyed in a hearse to Mr. Roome's, where they were embalmed, in order to be sent into Scotland, and buried with his ancestors. He neither made nor delivered any speech on the scaffold; but in a letter found after his execution, which he wrote to the Pretender (by the style of king James,) he declared, 'That 'he died for his faithful services to his majesty, 'but hoped, the cause he died for would thrive 'and flourish after his death; and as he suf-'fered for his service, he hoped his majesty 'would provide for his wife and children, who 'were in a miserable condition.'

"On the 15th of March, the earl of Winton's trial came on * The long trouble and delay, he had occasioned by petitions for time, upon the pretence of witnesses being on the road, made people expect, that a considerable defence could be made, and something very particular be urged in his behalf, either by himself or his council; but they were surprized, that when he came to the bar, and the managers of the House of Commons had spent two days in opening and inforcing the Articles against him, and replying to what was offered, his answers were so weak, and what his council had to offer so trifling, that it could not be called a defence. This gave some confirmation to what had been suggested, that he was a lunatic. However the lords were unanimous in their judgment, and brought him in Guilty; and, on the 19th of March, judgment was pro-

* For the Proceedings at large upon the Trial of the impeached Lords, see Cobbett's State Trials, vol. 15.

nounced against him by the lord Chancellor Cowper, lord High Steward upon this occasion."

Debate concerning the Land Tax Bill.] February 1. The Lords having read a second time the Land Tax Bill, and referred it to a committee of the whole House; some Peers were offended at the Preamble: And the earl of Abingdon thereupon moved, That all the Peers in town might be summoned to attend that committee, which was done accordingly. The said Preamble was as follows. "We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, having hearts filled with the utmost gratitude to your majesty, for the tender concern your majesty on all occasions, expresses for the extraordinary burthen this unnatural rebellion makes necessary to be laid on your faithful subjects, for preserving all their rights, both sacred and civil; and for your majesty's unprecedented goodness, in giving up all such estates for the use of the public, and in case of your people, as shall be forfeited by this rebellion; the raising, or the dreadful consequences whereof cannot, by the most implacable of your majesty's enemies, be ascribed to any one act done by your majesty, since your happy accession to the throne of your ancestors; but even they will allow, that all the mischiefs, burthens, and calamities which shall attend this horrid rebellion, are, in truth, owing to the fatal and pernicious councils given by some persons in the late male-administration, when, under pretence of procuring peace abroad, the present destructive war was projected to be brought into the very bowels of our native country at home, when a popish army, (part of which God has delivered into your hands) was designed to be the protecter of our holy religion; and when under the false colour of paying the public debts, though their true design was to deliver us bound into the power of the ancient enemy of those kingdoms; the same evil counsellors contrived unnecessarily to incumber, for a long time to come, (if not for ever) several considerable branches of the public revenues, which, for many years past, had, from time to time, been useful to support the public expence, which revenues in former administrations, had been carefully reserved for that purpose to the end, that upon the conclusion of an happy peace, which we had then reason to expect, the subjects of these realms might have reaped the fruits of a successful, though expensive war. And we your majesty's said dutiful and loyal subjects being fully resolved to maintain your majesty's just title to the imperial crown of these realms, against all enemies and traitors whatsoever; and for that end purpose to raise such supplies as are necessary to defray your majesty's public expences, have cheerfully and unanimously given and granted, &c."

A Committee appointed to inquire into the Right of the Lords to alter a Money-Bill.] February 13. The lord Harcourt went early to the House of Peers, and caused the Journals to be searched for precedents of Amendments, made by the Lords to a Money-Bill. But few, if any could be found, at least since the Restoration in 1660, from which time the Commons would never suffer the Lords to make alterations in bills of that nature. When the grand Committee was set, several lords spoke against the preamble in question as prejudging matters of a very high and important nature, the cognizance and determination of which properly belonged to the House of Peers. The courtiers were sensible that this objection was well grounded; but being unwilling, on the other hand, to put a stop to the bill at this critical juncture, an expedient was proposed, and admitted, viz. That they should enter in their Journal a kind of Protest or a Declaration, importing in substance, "That, although the Preamble to the said bill contains several assertions of facts different from the matter of the said bill, and which may possibly hereafter fall under the consideration of this House in their judicial capacity; yet nevertheless their lordships, being extremely sensible of the very great and public inconvenience which would ensue, if the necessary supply of money, for which the said bill provides, should be delayed, have therefore, out of zeal for his majesty's service and the public good thought fit to instruct, and do hereby order, That it be an instruction to the Committee of the whole House, to agree to the said preamble, without any amendment."

And then the following Declaration was agreed to by the House:

"But, to prevent any ill consequences from such a precedent for the future, they have thought fit to declare solemnly, and to enter upon their books for a record to all posterity, That they will not hereafter admit, upon any occasion whatsoever, of a proceeding so contrary to the rules and methods of parliament; and as to the said assertions in the preamble to the said bill, their lordships do further declare, That they will not in any manner hold themselves concluded by any of the said assertions, in any judicial proceeding or debate whatsoever; and are of opinion, that no argument drawn from any such assertion only, without due proof, ought to be of any force or validity upon any occasion before-mentioned."

Ordered, That such Lords as think fit may sign the said Declaration in the Journal at any time during this session of parliament.

The King's Speech relating to the Pretender's Flight out of Scotland.] Feb. 17. The king went to the House of Peers, and gave the royal assent to such bills as were ready. After which, the Lord Chancellor, by his majesty's command, read the following Speech to both Houses:

"My Lords and Gentlemen,

"I take this opportunity of acquainting you,

that my forces have obliged the Pretender to fly out of Scotland; and he is since, as I am informed, landed near Gravelines, but I don't yet know, whether any country in amity with us, will give him protection, after having so publicly invaded our kingdom.

"The dangers to which the nation was exposed, made me determine, that neither the extraordinary rigour of the season, nor any fallacious proposal of the rebels, should divert me from using all possible endeavours towards putting a speedy and effectual end to this unnatural rebellion.

"Gentlemen of the House of Commons,

"I must return you my thanks for the great progress you have made in the supplies. The necessary dispositions are made for raising additional forces: But as I shall always consult the ease of my people, as far as it is consistent with their own security, so I shall not make use of the confidence you have placed in me, unless the restless malice of our enemies should make it necessary to go on with those levies.

"My Lords and Gentlemen,

"I promise myself, from the zeal and wisdom of this parliament, that the future happiness and tranquillity of my subjects, will be established on a solid foundation; and such measures taken, as may deprive our enemies at home of the power, since that alone can deprive them of the inclination, again to attempt the disturbance of any government. This, therefore, is what I think myself obliged to recommend to you as a deliberation of the utmost importance to the future safety, ease, and prosperity of my people."

The Lords' Address thereon.] Feb. 20. The Lords waited on the King with the following Address:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty the thanks of this House, for your most gracious speech from the throne; and to congratulate your majesty upon the success your forces have had, in obliging the Pretender to fly out of Scotland: And, as we do not doubt but your majesty will use the most effectual means towards preventing the said Pretender's finding refuge or protection in any country in amity with your majesty; so we do assure your majesty of our utmost support and assistance, in shewing your just resentment against any prince or state that shall give him protection. And we take this opportunity to express the true sense this House has of your majesty's great wisdom and care of your people, in having resolved, not only to put a speedy, but an effectual, end to this Rebellion, without having hearkened to any fallacious proposals of the Rebels, which could only have tended to leave the seeds of future rebellions and distractions in this kingdom: And we do farther humbly thank your majesty for your gracious intentions to ease your people of any further, as far as is consistent with the public safety; not doubting but, if your majesty judges it necessary, you will make use of the power already granted you. And we do humbly assure your majesty, that nothing shall be wanting on our part, towards securing, upon the most solid and lasting foundations, your majesty's government, upon which the future happiness and tranquility of these kingdoms does entirely depend."

The King's Answer.] The King returned this Answer:

"My Lords,

"I thank you heartily for this dutiful and loyal Address; I will immediately order the most pressing instances to be made to all princes and states in amity with me, in relation to the Pretender; and shall, in every thing, always consult the security and happiness of my people."

The Commons' Address.] The Commons' Address was as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, do, with hearts full of gratitude, return your majesty our unfeigned thanks for your most gracious speech from the throne; and do beg leave most heartily to congratulate with your majesty upon the success with which it has pleased Almighty God so far to bless your arms, as to force the Pretender out of your majesty's dominions.

"We are willing to hope, that no prince or state in amity with your majesty will give refuge, countenance, or protection, to a person who, in so notorious a manner, has disturbed the peace of your kingdoms: But the dangers to which your majesty's sacred person, and government, the religion, laws, and liberties of our country, have been once exposed, by this vile attempt, would leave your Commons without excuse to those they represent, if they should see, with patience, the nation exposed to the like hazard for the future, by the Pretender to your majesty's crown being sheltered in your neighbourhood. We do therefore make it our humble request to your majesty, That you will use the most earnest and pressing instances with all princes and states in amity with your majesty, That he may not be harboured in their territories. And we beg leave to give your majesty the strongest assurances, That we will, to the utmost of our power, contribute whatever shall, by your majesty, be judged necessary to render those instances effectual.

"The tender regard which your majesty expresses for the ease of your people, in declining to put the nation to any farther expence, at present, for additional forces, does, if possible, heighten that confidence which we so justly had reposed in you: But we beseech your majesty, that, in settling the proportion of forces to be maintained this year by sea and land, your majesty will have such a regard to the disposition and preparations of our neighbours, from time to time, as to provide effectually for the security

of your kingdoms against any power that shall presume to countenance or abet the Pretender.

"Your Commons cannot sufficiently express the just sense they have of your majesty's consummate wisdom, and firm resolution, not to be diverted or amused by any difficulties of the season, or any controuls arising from parting the Rebels in Scotland to their several retreats; since that method alone could restore, and secure with honour, peace and tranquillity to that part of your dominions.

"It is with the utmost concern we observe, that the malice and inveteracy of our enemies at home is so great, that they want not the inclination to disturb your majesty's government; but your faithful Commons, in duty to your majesty, and love for their country, will endeavour to deprive them of the power, by taking such prudent and necessary measures, as may most effectually secure the future safety, ease, and prosperity, of your people."

The King's Answer] To which his majesty returned this Answer.

"Gentlemen;

"I thank you for this dutiful and affectionate Address: I will endeavour, by all proper means, to prevent the Pretender's being suffered to give perpetual jealousies, by continuing in our neighbourhood; and will, if the advices I shall receive from abroad do render it necessary, not lose any time in making such an augmentation of forces, by sea and land, as may, with the blessing of God, effectually answer your wishes to see the nation secured from any foreign or intestine attempt whatsoever."

The Commons adjourn to prevent any application to them in favour of the impeached Lords] February 22. Several Petitions* were delivered to the House of Commons in behalf of the earl of Derwentwater, lord Widdrington, earl of Nithsdale, earl of Carnwath, lord viscount Kenmure, and lord Nairn, after sentence of death had been past on them; nevertheless, though many members were inclined to mercy, yet upon a motion made by those of the contrary opinion, who were for having the law executed in its full rigour, and therefore were desirous to be rid of any further importunities on this account, the question was put, that the House should adjourn to the 1st of March, which was carried in the affirmative, by a majority of seven voices only.

Mr. Lechmere's Motion for a Bill to strengthen the Protestant Interest.] March 1 the Parliament met according to their adjournment: The next day Mr. Lechmere made a speech on the mal-administration of the ministry during the last years of the late queen, particularly with relation to the hardships then put on the Dissenters, who, he added were firm friends to the Protestant succession; and the visible countenance and favour shewn to the Roman Catholics, the open and declared enemies of it, and of the illustrious house of Hanover: and concluded with a motion for bringing in 'A 'Bill to strengthen the Protestant interest in 'Great Britain, by inforcing the laws now in 'being against Papists.' He was seconded by the lord Cramgsby: and no member opposing the motion, the Bill was ordered to be brought in accordingly.

Debate on the Septennial Bill† being proposed in the House of Lords.] April 10. The Duke

* "With a view to prevent the House being troubled with any further Petitions, which it was determined to reject, Walpole himself proposed an adjournment to the 1st of March, as it was known that their execution was to take place before that time: the motion met with so strong an opposition, that it was carried only by a majority of seven voices But Walpole proved his indignation to originate in virtuous and disinterested motives, when he stated to the House, that he had been offered 60,000*l.* to save the life of one single person (the earl of Derwentwater). He also spoke, as one of the managers for the Commons, in the prosecution of the earl of Wintown, another of the rebel lords; and he seems in every instance to have urged the necessity of adopting severe measures in the present alarming crisis; a mode of conduct so opposite to the natural bias of his temper, which always leaned to the side of humanity, as proved his full conviction, that too much lenity shewn to persons taken in flagrant rebellion, would at this period have proved dangerous to the state." Coxe's Walpole.

† "The rebellion was now quelled, and the strength of the rebels entirely broken, but the disaffection of the people was not yet conquered. The parliament was the bulwark of the crown; the vigour and unanimity of the king's friends, and their superiority in the House, was the support of the whole affair. But the parliament being only of three years continuance, by virtue of the Triennial Act, made in the 6th year of king William and queen Mary; all the hopes of the other party seemed to be centered in this, that the parliament would expire; and that they should be able, by their influence in the country, to chuse a majority of their party at the next election; or raise such a ferment at that juncture, as might make way for a successful invasion from abroad. This the persons at the helm observed with concern, and therefore resolved to baffle these hopes of the enemies of the government, by prolonging the sitting of the present parliament. It is said, it was first proposed only to suspend the triennial act for once, whereby this parliament would have continued three years beyond the time, at which it was to determine; but it was afterwards thought, that a bill for enlarging the time of continuance of parliaments in general, would be less liable to exceptions. The next thing that fell under consideration was, whether this intended bill should be set on foot in the House of Lords, or in the House of Commons? The first was judged the properer for several reasons, partic-

of *Devonshire* made a speech in the House of Lords, representing the inconveniences that attend the triennial elections of members of parliament; particularly, that they serve only to keep up party divisions, and to raise and foment feuds and animosities in private families; That

cularly, because the court being more sure of a majority in the House of Commons, if the bill miscarried with the Lords, the odium of this project, which carried a face of unpopularity, would not rest upon the Commons, nor consequently prejudice future elections." Tindal.

"Though the rebellion was extinguished, the flame of national dissatisfaction still continued to rage; The severities exercised against the rebels increased the general discontent: For now the danger was blown over their humane passions began to prevail. The courage and fortitude with which the condemned persons encountered the pains of death in its most dreadful form, prepossessed many spectators in favour of the cause by which those unhappy victims were animated. In a word, persecution, as usual, extended the heresy. The ministry, perceiving this universal dissatisfaction, and dreading the revolution of a new parliament, which might wrest the power from their faction, and retort upon them the violence of their own measures, formed a resolution equally odious and effectual to establish their administration. This was no other than a scheme to repeal the Triennial Act, and by a new law to extend the term of parliaments to seven years." Smollett.

"The ministry perceiving, and probably resenting the general discontent and disaffection of the people to a government, which willingly concealed even from itself the desire of vengeance by which it was actuated, under the veil of loyalty and patriotism, now found or imagined the necessity of adopting a measure for the preservation of the public safety, which has been ever considered as the highest and most unconstitutional exertion of parliamentary authority attempted since the era of the revolution; and, if we except the act of Henry 8, declaring the proclamations of the crown equal in validity to acts of parliament, and the perpetuity act of Charles 1, it may not be too much to affirm, since the first existence of parliaments This was no other than the introduction of the famous Septennial Bill, in the session of 1716, by which the parliament not only assumed a power of prolonging the duration of future parliaments, but even its own, and being elected by the nation for three years, they elected themselves for four years more." Belsham.

"During this interval, the Septennial Bill was brought into parliament. Although Walpole was not able to support this measure in the House of Commons, yet, as it had been previously arranged with his concurrence, and as he also constantly opposed the repeal, it has always been justly considered an act of his administration. This memorable bill, which is to be considered as the bulwark of our civil and re-

besides, they occasion ruinous expences, and give a handle to the cabals and intrigues of foreign princes: That therefore it was becoming of the wisdom of that august assembly, to apply a proper remedy to an evil which might be attended with the most dangerous consequences,

ligious liberties, because it effectually supported the House of Brunswick on the throne; was undoubtedly one of the most daring acts, or, according to the representations of its opponents, abuses of parliamentary power that ever was committed since the revolution; for, it not only lengthened the duration of future parliaments, but the members who had been elected only for three years, prolonged, of their own authority, the term of their continuance for four years more. The great body of the Whigs, influenced by these considerations, were, at the first proposition, averse to the measure, and did not agree to support it, till mature deliberation had convinced them of its necessity. During the debates which took place on this occasion, the arguments of opposition and defence, were not unequal to the importance and dignity of the subject. We, who live at this distance of time, without being heated by the warmth of party, without sufficiently considering the temper and state of the nation, and without weighing the peculiar circumstances which occasioned its introduction, most confess, that in theory, the arguments of those who opposed it, are the most specious and convincing; but if we recur to the events of the times, and the state of the country, we must applaud the wisdom of those who sacrificed speculation to practice That the necessity must have been great and evident, appears from the consideration, that it was supported by men of the first rank, independence, and probity in the kingdom; that in the House of Lords, where it was proposed by the duke of Devonshire, there were only 56 voices against it, and that, on being sent to the House of Commons, there was a majority of 264 against 121 But whatever opinion might be formed of the justice of the right exercised by parliament, in repealing the triennial act and substituting septennial parliaments, yet it can scarcely be contested, that it has in effect been highly advantageous to the well-being of the legislature, and to the real interest of the nation. The Speaker Onslow, who was no ill judge of parliamentary proceedings, was frequently heard to declare, that the passing of the Septennial Bill formed the era of the emancipation of the British House of Commons from its former dependence on the crown and the House of Lords. From that period it has risen in consequence and strength." Coxe's Walpole.

"This has been thought by many an unconstitutional exertion of their authority; and the reason given is, that those who had a power delegated to them for three years only, could have no right to extend that term to seven years. But this has always appeared to me to

especially in the present temper of the nation, for though the rebellion was happily suppressed, yet the spirit of it remained unconquered, and seemed only to wait for an opportunity to shew itself with more violence: that the election of a new parliament, which by the triennial act was not far off, being the most favourable juncture which the disaffected could expect, he thought it absolutely necessary to deprive them of it. For which purpose, he had a Bill* to offer to the House, for enlarging the continuance of parliaments; and at the same time he moved it might be read

He was seconded by the earl of Rockingham, and backed by the duke of Argyle, the earl of Dorset, and lord Townshend.

The duke of Buckingham, the lord Trevor, the earls of Nottingham and Aylesford, and several other Peers, though they did not directly oppose the bill, yet were for putting off the reading of it to another time: they did not deny, but that every member of that House had the privilege of offering what bill he thought fit; but that the House was likewise at liberty either to read it or not, as they thought convenient, and that the matter proposed, was of so high a nature, that it well deserved to be maturely weighed and considered, before there were any debates upon it; and therefore they moved that the Bill might lie some days upon the table, before the first reading.

The lords who were for reading it presently answered them, That it was far from their thoughts to offer at the carrying any thing by surprise: that by the ordinary method of proceeding, every member had a sufficient time to weigh and consider what was offered to the House. Then the earl of Dorset proposed, That after the Bill had been once read, the second reading should be put off to the Saturday following, to which the House agreed *

April 14 This Bill being, according to order, read a second time, the lord Cowper put the question, Whether it should be committed? Upon which, there arose a warm debate.

The Earl of *Abingdon* who spoke first against the Bill, said "That it was of a very extraordinary nature, since it repealed the Triennial Act, which the people justly looked upon as the great security of their rights and liberties; and that if it passed this House, and the Commons agreed to it, it would, on their part, be a breach of that trust which was reposed in them by those whom they represented."

The latter part of this assertion was damned by

The Duke of *Kingston*, who urged "That the business of the legislature was to rectify old laws, as well as to make new ones."

The Earl *Poulet* spoke next against the Bill, and declared, "That he would have been for it, if he thought it for the king's service and interest; but that before they went any further in so important an affair, some method should be used to know the sentiments of the nation. His lordship urged, That this Bill shewed a distrust of the affections of the people, without which, no king can be either safe or easy: that king William gained the hearts of his subjects by the Triennial Act; and it would look somewhat strange, that the most popular of our laws should be repealed a year after the Protestant Succession took place. After this, he endeavoured to answer what was suggested in support of this bill, viz. 1st, That frequent elections occasion ruinous expences, 2dly, That they raise a great ferment, and foment animosities which are of the most dangerous consequence, after the late rebellion; and 3dly, that they obstruct foreign alliances. He said, That no stress ought to be laid on the first of those

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he a fallacious mode of considering the subject. Before the triennial act, 6 W and M the duration of parliament was only limited by the pleasure or death of the king: and it never can be supposed that the next, or any succeeding parliament, had not the power of repealing the triennial act; and if that had been done, than, as before, they might have sat seventeen or seventy years. It is certainly true, that the simple repeal of a former statute would have extended their continuance much beyond what was done by the Septennial act." Blackstone's Commentaries, vol. 2. p 159, Christian's edition.

* After reciting the act, 6th William and Mary, for making parliaments Triennial, the preamble of the bill goes on thus, "And whereas, it hath been found by experience, that the said clause hath proved very grievous and burthensome, by occasioning much greater and more continued expences, in order to elections of members to serve in parliament, and more violent and lasting heats and animosities among the subjects of this realm, than were ever known, before the said clause was enacted; and the said provision, if it should continue, may probably at this juncture, when a restless and Popish faction are designing and endeavouring to renew the rebellion within this kingdom, and an invasion from abroad, be destructive to the peace and security of the government. Be it enacted, that this present parliament, and all parliaments that shall at any time hereafter be called, assembled or held, shall and may respectively have continuance for ——— years, and no longer, to be accounted from the day on which, by the writ of summons, this present parliament hath been, or any future parliaments shall be appointed to meet, unless this present, or any such parliament hereafter to be summoned, shall be sooner dissolved, by his majesty, his heirs or successors."

* Whitehall, April 10, 1716. The Septennial Bill was this day brought into the House of Lords by the duke of Devonshire, seconded by lord Rockingham, and there appeared but little spirit or power to oppose it. When this is passed, we may perhaps be able to speak in more peremptory manner to France, than we have done yet." Lord Townshend to Horace Walpole. Coxe's Walpole.

objections, expences at elections being voluntary: that as to the second, he was sorry there had been a rebellion, but that now it was happily suppressed: and as to the third suggestion, That that was of no weight with him, it being his opinion, that in a matter which so nearly concerns our constitution, we ought to have regard to ourselves only, and not to foreigners, upon all which considerations, he was against the committing of this Bill."

The Earl of *Dorset* said, "That they who now spoke against this Bill, would be for it, if it served their turn: that the Triennial Act was a new law, and an alteration of the old constitution: that the experience of twenty years having shewn a thousand inconveniencies that attend that law, they ought to apply a remedy to it: that the said law sowed the seeds of corruption, it being notorious, that great numbers of persons had no other livelihood, than by being employed in bribing corporations: that we had lately made a sad experience of it, since, by those methods, a parliament was procured by the last ministry, which gave sanction to most of their ill measures, and went near to give up the trade and liberties of the nation: that Triennial elections destroy all family interest, and subject our excellent constitution to the caprice of the multitude; and, in short, that by Triennial elections, we have but a Triennial government, which is little better than no government, at all: for which reasons he was for this bill."

The Lord *Trevor* declared, "That he had no manner of prejudice to those who brought in the bill: that, on the contrary, he had all the honour and respect for that noble peer who offered it to the House; being satisfied, that he thought it to be for the interest of his king and country: that as for his own part, all he aimed at, was the preservation of our excellent constitution, and that the crown might sit easy on the king's head, and he for ever secured to his royal family, for whom he professed the sincerest affection: that the question now lying before them was, whether the law they were going to make, tended to the good or prejudice of the constitution? That he himself looked upon the Triennial Act as an essential part of our ancient constitution, according to which, frequent and even annual parliaments were to be held: that he could easily prove, that long parliaments were always pernicious: that when king Charles 1, had given up his prerogative of dissolving parliaments, in 1640, he gave himself up into the hands of traitors, and had nothing but destruction to expect from them: that after the Restoration, king Charles 2 found the inconveniences of a long parliament: that as soon as the nation had opportunity, by the Revolution, to assert their just rights and liberties, the Triennial Act was insisted on, and gained, at last, with a great deal of opposition: that there were very good and cogent reasons for making this law, viz. To support the constitution; to prevent encroachments, either of parliaments on the crown, or of the crown on the rights and liberties of the people, and to correct abuses and exorbitances committed through the ambition and avarice of ministers: that he would not be thought to reflect on the present administration, but that in his opinion, frequent elections were a necessary right of the subject to remedy abuses: that, for his own part, he had ever been against the bill for limiting the number of officers in the House of Commons; but if the Triennial Act were repealed, he thought that bill would become very necessary, because the long sitting of parliaments would give the crown both an opportunity and temptation to multiply the number of officers; that some reflections had been cast on the last parliament; but that, in his opinion, that parliament was chosen by the same method as the present was, viz. by great expences; that he owned this to be a great abuse; but that laws might be made to rectify the same: that if this bill passed, how could any member of the other House expect to preserve his interest with those who chose him, when this bill would certainly be interpreted both a violation of their right, and a breach of the trust reposed in him? That if this House of Commons continued themselves beyond the time for which they were chosen, they were no more the representatives of the people, but a House of their own making: that he was sorry there were discontents in the country; but that he apprehended this Bill would rather increase than abate them. He owned, that the majority of this House of Commons were honest gentlemen, who had the interest of their king and country at heart; but that, in his opinion, those who went before them, did not come short of them in point of duty and affection to his majesty; for it was they who established the king on his throne, and settled his revenue with all the cheerfulness imaginable. Concluding, that what he had suggested flowed from the dread of the ill consequences of this Bill, which might rise to such a height, as to render the crown uneasy to his majesty; and that he owed so much to the protestant succession, that if he could believe this bill to be of any service to the king and his royal family, he would be entirely for it; but that as he was of a quite contrary opinion, he would not have a bill, obtained in the best of reigns, repealed in the first year of this protestant reign; and therefore he should give his opinion against committing it.

The Lord *Carteret* spoke next, and owned, "That frequent parliaments are a great security to the people's rights and liberties; but then he observed, that this bill was not against frequent sessions, but only against frequent elections; that they ought maturely to weigh and consider what was suggested in the preamble to this bill, viz. That there is a restless popish faction designing and endeavouring to renew the rebellion within this kingdom. To this purpose his lordship

observed, That of all rebellions this last was the most monstrous and unnatural, for all other rebellions were carried on under pretences of liberty; whereas this last was a rebellion for slavery: that as to her allies abroad, though he could not say, that they expected this bill, yet it was reasonable to suppose that they would be glad to see it pass into a law, for having found, by sad experience, that great changes may be made in the best concerted measures, by different parliaments, influenced by different ministries; so if they had not some security for the treaties his majesty was now entering into with them, a strong side might come, upon a new election, that might overturn all that, in short, this bill would fix the king, and the present happy settlement, on a lasting foundation, and therefore he was for committing it."

The Duke of *Buckingham* stood up, and declared, "That he would not be against this Bill, if he thought it for the king's interest and service; but that he was afraid the crown would be the worse for it: that the Triennial Act, might, indeed be subject to some inconveniences; but that the best things are not exempt from them; that means should be found out and pursued, to remedy those inconveniencies, but instead of that, they now were going to repeal a good law, and alter the constitution; 'Pray, my Lords,' said his Grace, 'consider what you are doing! Why, to prevent robbing on the high-way, you forbid travelling.' If a man breaks his leg, shall a surgeon tell him he must be fixed, and alter his constitution? He owned, That there was a great ferment in the nation, and he was very sorry for it: but that he thought this Bill a very improper remedy for it. And he remembered it had been said in that House, That it would never be well in England, till there were annual parliaments; that king William, who was a wise prince, made himself and his people easy by the Triennial act: and he was afraid the bill now in question, would have a quite contrary effect; and therefore, he was against it at this time, whatever he might be at another juncture. that, in his opinion the late rebellion was not a sufficient reason for repealing the Triennial act; that the rebels were rash, inconsiderate men, who either had, or were to pay dear for their rashness and folly; but that both they and their friends were inconsiderable: that they, perhaps, might whisper discontent and treason in corners; but that, he hoped, it was not, nor ever would be in their power to do harm:" So that upon the whole matter, he was against the Bill.

The Earl of *Cholmondeley* said, "That he did not design to compliment any one in power, either now or in time to come, but that he would freely speak his sentiments, according to the dictates of his reason and conscience; that he made no doubt, but that the legislature is vested with a supreme power to remedy any inconveniencies to which any former law may, by experience, be found to be subject; and this being the case of the Triennial Act, they ought to remedy the same. that what had been suggested in relation to the long parliament in king Charles the IId's reign, was, in his opinion, rather an argument for, than against this bill: for though, in that parliament, the king had many pensioners, who, at first, complimented him with money, yet, at last, when the interest of the nation came to be at stake, they voted for a war with France, and prosecuted the Popish Plot with the utmost vigour: that they had lately seen what a corrupt Parliament may do, and by what means such a Parliament may be got: and every one might guess how there came to be a debt of 500,000*l.* upon the civil list: that he did not mention this to irritate against persons, but against things: that, in his opinion, there was no better remedy against corruption, than the suppressing frequent elections; which, on the other hand, occasion lasting feuds and animosities in families. that he thought this bill the more necessary, because our allies will thereby have a security, that they shall not again be left in the lurch: and, that in consideration of the great benefits that will accrue from it, both at home and abroad, he was for committing it."

He was answered by

Lord *Ferrers*, who principally enlarged on the excellency of our constitution; he took notice, that the different branches of the legislature are a check to one another, which prevents exorbitance in the administration, and dragoonning, as in Turkey, and other arbitrary governments; and suggested, that the parliamentary parliament made king Charles 2 uneasy, by making him neglect the affections of his people; and concluded, he was afraid that the repealing the Triennial Act would have the same effect; and therefore he was against it.

To this

The Duke of *Newcastle* answered, that it had already been rightly observed, that though the long parliament of king Charles 2 at first complimented that prince, yet they afterwards vigorously opposed destructive measures, and insisted on a war with France. Then passing over less material objections, he urged, that the present happy settlement could not be maintained, without taking away the seeds of corruption: that no cause ever miscarried in so many instances as that of the rebels; but that notwithstanding their defeat at Preston and Dumblain; their being driven out of Scotland, with their king at their head; their disappointments in other parts; and the execution of some of their leaders; the Jacobites were as insolent as ever: that this was the reason why, in a late debate in this House, he was against lenity; and the rather, because no prince was ever more naturally inclined to mercy, than his present majesty; for no prince ever had so many rebels in his power, and never were so few punished. My lords, said he, you must now

strengthen yourselves, and disarm your enemies. It is not to be doubted, but the late unnatural and monstrous rebellion was raised and fomented by large contributions of a restless Popish faction; the same means, my lords, will be used to renew the rebellion, as soon as a proper opportunity offers. Their emissaries are busy every where to keep up the spirits of the people for a year longer, and then they hope to retrieve all by a new election. He concluded, that though the allies would not make any thing done among us an article of their treaties, yet having the sad experience of being left in the lurch, they would certainly enter into alliances with us with more confidence, if they saw that our government was not precarious. upon all which considerations, he declared himself in favour of the bill

The Earl of *Aylesford* standing up next, professed, in the first place, that he did not entertain the least prejudice against this bill on account of those who brought it in; for when matters of so great importance came under deliberation, he had no manner of regard to any denomination of parties; that he had so great an affection for his majesty, that if he thought it to be anywise for his majesty's service, he would readily be for it; but that, in his opinion, this bill was not for the service either of the king or country, whose interests he looked upon as inseparable. He urged, among other things, that it was objected against the Triennial Act, that frequent elections occasion ruinous expences, and create feuds and animosities; but that these objections were not of sufficient weight with him, to induce him to give his vote for repealing so good a law; that it could not be denied, that a great deal of money is expended in elections, but the candidates may chuse whether they will spend any or no; that it may likewise be granted, that those expences lay the foundation of corruption, and that those who make them, are in hopes to get either places or pensions; but that, by the Triennial Act, the country has an opportunity to remedy any abuses that may be committed by any of their representatives, who, to make good their expences at elections, should yield to the temptation of a place or pension, to sacrifice their votes in parliament; whereas, on the contrary, this bill will establish a grievance and take away a remedy; that as the Triennial Act gained the affections of the people, it was to be feared that the repealing of it would have a contrary effect, that what had been suggested about foreign allies, was, in his opinion, no proper argument for this bill, our constitution, which ought to be altogether independent on foreigners, being solely to be considered in this debate: as to what had been alledged concerning the disaffection of many of his majesty's subjects, he said, he was sorry to hear the last parliament unjustly reflected upon, since no House of Commons could be more forward than they, in shewing their affection to his majesty; and they not only readily settled his revenue, but granted a reward of 100,000*l.* for the apprehending of the Pretender to his crown; that when his majesty came to take possession of his throne, he was received with the general acclamations of the people: that he would not pretend to enter into the reasons of the present disaffection, but yet he would venture to say, that it had been easy for the king, upon coming over, to have united the whole kingdom; that he wished there had been no mistake in those who would appear to be the king's best friends. Be that as it would, it was his opinion that this bill would not procure that good agreement between king and country, which they who brought it in seemed to have in view; but, on the contrary, might end in the destruction of those who advised it, and prove mischievous both to the king and his people, as tending to create disunion between them: that he hoped the ferment was not so great as it was represented; and besides, no man could say, that two years hence the people would be in the same ill humour, as they were said to be at present: upon all which reason he was against this bill.

This speech was answered by

The Earl of *Huy*, who begged leave to offer some few thoughts of his own upon the important matter that was under consideration: then pursuing the chief reasons on which this bill was grounded, he urged, among other things, that it is certain frequent elections occasion ruinous expences; and it is no less true, that ruinous expences beget, of course, corruption; for when gentlemen have laid out their estates in elections, they must exert their industry to find out some means to make themselves amends: that besides this evil, frequent elections are a great occasion of vice, debauchery, and decay of trade: that notwithstanding whatever had been suggested against long parliaments, it was undeniable, that the constitution was safe under a parliament of 17 years continuance, in king Charles 2d's reign; that, on the contrary, it was certain, that frequent elections occasion great heats, and even implacable feuds and divisions between father and son, husband and wife, brother and sister: that, on these occasions, when party-healths go round, the naming of one general before another, often produces a bloody quarrel; and, which is far worse, the sacred name of the church is impiously prophaned in the streets, and commonly joined with treason. After this he made some remarks on our antient constitution, in relation to parliaments; and, in particular, took notice of the great change which, in process of time, has happened in the qualification of the electors, by the increase and plenty of silver and gold species in Europe; for forty shillings a year in freehold, which qualifies a man to vote in elections, was formerly as good as forty pounds is at present: so that formerly the electors were either gentlemen or men of substance, whereas the majority of them are of the dregs of the people, and therefore more subject to corruption. From all which he inferred,

that frequent elections render our government dependent on the caprice of the multitude, and very precarious. He also took notice, that if the heats were increased since the king's accession to the crown, it was chiefly because some persons, who had a great opinion of their own merit, were not in office; which gave him an opportunity to vindicate his majesty as to the distribution of his favours, and the rewarding those who, in the worst of times, had shewn their zeal for his succession, and, during the late rebellion, ventured their lives for his majesty's service. Upon the whole matter his lordship was for committing the bill.

The Earl of *Peterborough* spoke next, and said, That whether he was in employment or no, he had still an entire affection for the king, and wished he could give his vote for this bill; but that he would not be for a remedy that might cause a greater evil. As to what had been suggested in favour of those who ventured their lives to serve the government, he observed, that men who cannot fight for a cause, cannot die for it. He afterwards said, That if this present parliament continued beyond the time for which they were chosen, he knew not how to express the manner of their existence, unless, begging leave of that venerable bench, [turning to the bishops] they had recourse to the distinction used in the Athanasian creed, for they would neither be made nor created, but proceeding, &c.

The Earl of *Nottingham* spoke next on the same side, and said, That he was against this bill, because he thought it would rather exasperate, than quiet the minds of the people. That this bill shewed a distrust of the affections of the people, and an intention of governing by fear, which, in his opinion, was the worst way of government. And God forbid his majesty should have no prospect of gaining the affections of his subjects. That the king came in universally beloved, and was received with the general acclamations of his people: and though he could not assign the true cause of the present dissatisfaction, yet some secret cause must have been given for it: That he hoped the people's dissatisfaction was not so great as it was represented: That the rebellion was entirely suppressed and at an end; but if any ferment yet remained, this bill was a very improper way to allay it, and would rather rivet the disaffected in their prejudices against the government, than make them change their opinion; That one of the arguments urged for this bill, was, That it would encourage foreign princes and states to enter into alliances with us, but that, in his opinion, the same might have a contrary effect, for foreign potentates may be deterred from entering into measures with us, when they shall be informed, by the preamble of this bill, that the Popish faction is so dangerous, as that it may be destructive to the peace and security of the government: and may apprehend from this bill that the government is so weak, as to want no extraordinary provision for its safety; which seems to imply that the gentlemen of Britain are not to be trusted in a new election, and that the good affections of the people are restrained to so small a number as that of which the present House of Commons consists. He urged, That frequent and new parliaments are required by the fundamental constitution of the kingdom; and that the practice thereof for many ages was sufficient evidence of this constitution. That this bill was so far from preventing corruption, that it would rather increase it; for the longer a parliament is to last, the more valuable to be purchased is a seat in it, and the greater also is the danger of corrupting the members of it; That whatever reasons there may be to continue this parliament for seven years, will be at least as strong, and, by the conduct of the ministry, may be made much stronger, before the end of seven years, for continuing it still longer, and even to perpetuate it, which would be an absolute subversion of the third estate of the realm. He then hinted at the danger of enlarging the prerogative, and instanced in the precedent of king Henry the 8th who persuaded his parliament to give him the Abbey lands, under pretence that they would bear part of his expences, which would ease them of taxes, and improve trade; but that soon after he demanded and obtained great subsidies, and made use of those lands, which he had so obtained, to enslave the nation.

To this

The Duke of *Argyle* said, That he could, by no means, agree with the noble lord that spoke last, either as to the beginning or end of the rebellion. That it had been suggested, that the king had been received with the general acclamations of his people; but that it was certain, and has since manifestly appeared, that whatever arts were used by the last ministry to blind and deceive the people, designs had been laid to bring in the Pretender long before the king's happy accession to the throne: That the disappointment of these designs was entirely owing to Providence, for had the conspirators thrown off the mask sooner, and improved the ferment their emissaries had raised in the nation at the election of the last parliament, 'tis very probable their wicked schemes, for setting aside the Protestant succession, had taken place. That he wondered therefore that any lord could be puzzled to find out the cause of the present disaffection; for it was plain it proceeded from the false representations of things and persons that were industriously spread abroad, both before and since his majesty's coming in. As to what had been suggested, that the rebellion was at an end, he observed, That the Rebels had only shifted their head-quarters from Perth to Paris or St. Germains, but that their emissaries were still as busy and insolent as ever in Great Britain, and wanted only an opportunity to renew the Rebellion, and favour an invasion. As to what had been hinted, that this bill would rivet the Jacobites in their opinions, he said, That was no good argument against it,

for he had seen some persons often shift sides, and change their opinions, and be very zealous for both.

The Earl of *Nottingham* taking this reflection to himself, readily owned, That he was for some time against the abjuration oath, because he thought a multiplicity of oaths would make the nation unsafe, but that as soon as he was convinced of the necessity of that oath, he readily came into it. Hereupon

The Duke of *Argyle* said, He was sorry that that noble lord took to himself what he said only in the general.

The Duke of Shrewsbury and Lord Parker who spoke next, declared themselves, the first of them for, the other against the bill. And then

The Lord *Cowper* recapitulated the arguments that had been urged on either side; gave a genuine account of the triennial act, and by what means it was obtained; and vindicated the king and government as to the present dissatisfaction; appealing to the Lords and Commons, whether the least provocation had been given, either by his majesty or his ministers; and asserting, that if there was any fault on the king's side, it was too much lenity; and that the only crime that could be charged on his ministers, was their zeal and vigilance in defence of his majesty's person and government.

Then the Earl of Aylesford having answered part of the lord Cowper's speech:

The Bishop of *London* said, That when he came to the House, he knew not which way he should give his vote, and hoped to be guided and determined by what should be offered on both sides on this important subject: but now he owned he was confounded between dangers and inconveniencies on one side, and destruction on the other.

The Earl of *Anglesea* spoke next with a great deal of vehemence against the bill, and

The Duke of *Buckingham*, who had spoke before, closed the debate with saying, "That he was for the Bill, but did not think it seasonable."

At length, after a debate that had lasted five hours, the question that the bill be committed, being put, it was carried in the affirmative by 35 votes as follows: Content 77, Proxies 19,—96. Not-content 43, Proxies 18,—61.

Protest against the Septennial Bill.] And so the Bill was committed to a Committee of the whole House, for Monday the 18th whereupon several lords entered the following Protest.

"Dissentient:

"1. Because we conceive that frequent and new parliaments are required by the fundamental constitution of the kingdom, and the practice thereof, for many ages, (which manifestly appears by our records) is a sufficient evidence and proof of this constitution.

"2 Because it is agreed, that the House of Commons must be chosen by the people, and when so chosen, they are truly the representatives of the people, which they cannot be so properly said to be, when continued for a longer time than that for which they were chosen; for after that time they are chosen by the parliament, and not by the people, who are thereby deprived of the only remedy which they have against those who either do not understand or through corruption do wilfully betray the trust reposed in them; which remedy is to chuse better men in their places.

"3. Because the reasons given for this bill, we conceive, were not sufficient to induce us to pass it, in subversion of so essential a part of our constitution. 1. For as to the argument that this will encourage the princes and states of Europe to enter into alliance with us, we have not heard any one minister assert, that any one prince or state has asked, or so much as insinuated, that they wished such an alteration. Nor is it reasonable to imagine it: for it cannot be expected that any prince or state can rely upon a people to defend their liberties and interests, who shall be thought to have given up so great a part of their own, nor can it be prudent for them to wish such an experiment to be made, after the experience that Europe has had of the great things this nation has done for them, under the constitution which is to be altered by this bill. But on the other hand, they may be deterred from entering into measures with us, when they shall be informed by the preamble of this bill, that the popish faction is so dangerous, as that it may be destructive to the peace and security of the government; and may apprehend from this bill, that the government is so weak, as to want so extraordinary a provision for its safety; which seems to imply, that the gentlemen of Britain are not to be trusted or relied upon; and that the good affections of the people are restrained to so small a number, as that of which the present House of Commons consists. 2. We conceive that this bill is so far from preventing expences and corruptions, that it will rather increase them; for the longer a parliament is to last the more valuable to be purchased is a station in it, and the greater also is the danger of corrupting the members of it. For if ever there should be a ministry, who shall want a parliament to screen them from the just resentment of the people, or from a discovery of their ill practices to the king, who cannot otherwise, or so truly be informed of them, as by a free parliament, it is so much the interest of such a ministry to influence the elections, (which, by their authority, and the disposal of the public money, they, of all others, have the best means of doing) that it is to be feared they will be tempted, and not fail to make use of them; and even when the members are chosen, they have a greater opportunity of inducing very many to comply with them than they could have if not only the sessions of parliament but parliament itself, were reduced to the ancient and primitive constitution and practice of

frequent and new parliaments: for as a good ministry will neither practise nor need corruption, so it cannot be any lord's intention to provide for the security of a bad one.

"4. We conceive that whatever reasons may induce the Lords to pass this bill to continue this parliament for seven years, will at least be as strong, and may, by the conduct of the ministry, be made much stronger before the end of seven years, for continuing it still longer, and even to perpetuate it, which would be an express and absolute subversion of the third estate of the realm. (Signed.) Somerset, Shrewsbury, Anglesey, Osborne, Compton, Bristol, Tadcaster, Nottingham, Abingdon, Guilford, Aylesford, Foley, Ashburnham, Mansel, Gower, Bathurst, Weston, Bruce, Willoughby de Broke, Powlet, Dartmouth, Bingley, Strafford, Trevor, Montjoy, Northampton, Fr. Roffen, P. Hereford, Fr. Cestrens. Salisbury."

The Septennial Bill passes the Lords.] April 16. The House of Lords in a committee of the whole House, considered of the said bill, and most of the Peers who had spoken before, made speeches for or against it.

The Bishop of *Rochester*, who had not yet spoken on this subject, said, "That if this bill were never so good in itself, it was very unseasonable, because very unpopular, and altogether useless, the rebellion being crushed, and the power of France not be feared; now especially, when we have a glorious standing army, and a ministry that knows how effectually to engage the affections of the people."

The Committee having gone through the bill, and ordered the blank before the word 'years' to be filled up with the word Seven, the question was put, whether the same should be reported, in order to be engrossed, which was carried in the affirmative by 74 voices against 39.

April 17. The bill was reported, and, without dividing, ordered to be engrossed; and being read the third time on the 18th of April, there arose a debate that lasted about two hours. Near one half of that time was taken up by

The Earl of *Nottingham*, who, among other things, demonstrated, "That counsels for enlarging the prerogative, had ever been pernicious to the crown." To this

The Duke of *Argyle* said, "That not being so well read in history as that noble lord, he would confine himself to what had happened in his own time; and that he had observed that his lordship had by turns opposed all that had been offered, either for the interest of the crown, or the liberties of the people, of which he might easily produce several instances; adding, he did not wonder there appeared already so much joy among a certain party, over a repenting sinner."

Upon the whole matter, the question being put, Whether this bill shall pass? it was carried in the affirmative, by a majority of 69 voices against 36: but 24 Lords protested against it, viz. Somerset, Aylesford, Trevor, Mansel, Gower, Willoughby de Broke, Bruce, Tadcaster, Berkshire, Nottingham, Northampton, Fr. Cestrieos Ashburnham, Dartmouth, Powlet, Foley, Anglesey, Strafford, Bingly, Fr. Roffen. Guilford, Abingdon, Shrewsbury, Cardigan.

The Septennial Bill sent down to the Commons.] April 19. The Lords having sent Mr. Justice Tracy and Mr. Justice Dormer to acquaint the Commons, that they had passed a bill intituled, 'An Act for enlarging the time of continuance 'of Parliaments, appointed by an Act made in 'the 6th year of king William and queen Mary,' to which they desired their concurrence:

The Lord *Guernsey* immediately moved, to reject the bill, without reading it: but because that would have been an unprecedented method of proceeding, the House would not agree to it, but read the bill the first time.

Upon the question for a second reading, there arose a debate, of which the most remarkable passage was, that an eminent member, who had been, in the most difficult times, very zealous for the protestant succession, spoke against the bill, and, among other things suggested, "That it was an imposition of the Lords to take upon them to direct the Commons in a matter, which solely concerns them, as guardian of the rights and liberties of the people." He was seconded by Mr. Shippen; but the lord Coningsby made them sensible, "That their objection was altogether groundless, and the result of their want, either of experience or memory; for, had they, like himself, been members of that House, when the triennial act was made, they might have remembered, that the same was begun in the House of Lords,* who as part of the legislature, are no less guardians of the liberties of the subject, than the Commons themselves." Mr. Fuller and the lord Guernsey spoke afterwards against the bill, but were answered by the lord Stanhope, eldest son to the earl of Chesterfield; and a second reading was at last carried by a majority of 276 against 156.

Six Petitions against the Septennial Bill.] April 24. The following Petitions against the Septennial Bill† were presented and ordered to lie upon the table.

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* See vol. 5, p. 754.

† "Since your brother's happy recovery from his late violent illness, the whole discourse of the town and even the country too, turns upon the repealing the Triennial and enacting a Septennial bill in its stead. No motion was at first treated with more coldness, the politicians of the Grecian and the neighbouring coffee-houses, fired with uncommon warmth, hollowed aloud against it, but time and good arguments make them espouse the quite contrary opinion; you may depend on it, this bill, in spite of all the drunken mercenary borough's letters, petitions, and remonstrances will be carried through the House of Commons by a considerable majo-

1. A Petition from the borough and town of Marlborough, in Wilts, setting forth, "That whereas, by our ancient constitution, it has been esteemed our greatest security to preserve our liberties to have frequent and short parliaments; and as we hear there is a Bill now depending in this House to prolong this parliament, and praying, That it may not pass; but that the Triennial act may be preserved intire in all its parts without any alteration; that being of the greatest consequence to secure our liberties, properties, and holy religion, to us, and to our posterity."

2. A Petition from the ancient burough of Midhurst, setting forth, "That whereas, by our ancient constitution, it hath been esteemed our greatest security to preserve our liberties to have frequent and short parliaments; and, as we hear, there is a bill now depending in this House to prolong this parliament: and praying, That it may not pass; but that the Triennial act may be preserved intire in all its parts, without any alteration; that being the greatest balwark to secure our liberties, properties, and holy religion, to us, and to our posterity."

3. A Petition from the town and port of Hasting, setting forth, "That, by the laws and constitution of this kingdom, no parliament is to continua longer than three years; and, under the protection of that law, which we look upon as una of our greatest and most valuable privileges, we elected our last members of parliament, and thought proper to entrust them, for three years, as our representatives, if his majesty thought proper to continue them so long. that braring a bill is prepared, and now depending before the Hnusa of Peers, for altering the laws now in being relating to parliaments; and fur continuing this present parliament for a longer time; and praying to take the same into consideration, and prevent the said Bill passing into a law; fur we cannot but lonk upon it as overturning our present constitutinn, and an infringement of nur liberties by making representatives for us for a longer time than we entrusted them."

4 A Petition from the corporatinn of Cambridge, setting forth, "That, by tha ancient constitutinn of this kingdnm, tha frequent calling of new parliamenta has always been used, and esteamed a security to the crowa, and also to the liberties of the people of this realm. that, by several statutes, and particularly by one, made in the reign of nur late sovereign king William the Third, it is provided, That no parliament shall continue longer than three years; and hearing that a bill is coming from the House of Lords to continue this parliament fur a longer time than is allowed by the said laws: and praying, that the said laws now in being may be continued, that tha petitioners may have frequent opportunities of shewing their duty and affection to his majesty king George, and the happy establishment in church and state, by their constant electing of members so inclined."

5. A Petition from the burough of Abingdon, setting forth, "That the most valuable privilege we enjay is, that nf being represented in parliament; so we cannot but be very much alarmed whan any infringement is like to ba made an that privilege: we are now so happy as to find a gentleman who truly represents us as we would be represented; but, as we cannot be sora that this will always be the case, and if we should ever be so unfortunate as to mistake in our choice, being allnwed but one representative, nothing could make that misfortuna tolerable to us, bot the comfort thet he could not abuse the trust we reposed in him for longer than three years: and praying, That this House will not be wanting in their endeavours to preserva, as well to us as our fellow-subjects, that liberty, which alone can preserve the freedom of parliaments, and give them the nppurtonity of laying tha true sense of the kingdom before his majesty, and of calling avil ministers to account; and which will give us the more frequent occasions of exercing our zeal for the security of the prerogative of the crown, and the liberties of the subject."

6. A Petition from tha borough of Newcastle under Line, in the county of Stafford, setting furth, "That whereas, by the constitution of this kingdom, no parliament is to continue longer than three years; under the protectinn of which law we have chosen our representatives whom we thought fit to entrust for three years, if his majesty should think fit to continua this parliament so long. and having heard, that a bill is prepared to continue this parliament for a longer tima; we humbly hope, that no such bill may pass; which we cannot but look upon as overturning our present constitutioo, and an infringement of nur liberties: and praying, that their liberties and privileges may be preserved and continued to them."

Debate on the Septennial Bill in the Commons.] Then the Bill was read the second time; and a motion being made, and the question pot, That it be committed, there arose a warm debate, that lasted from two in the afternnon until neor eleven at night. The speakers for the bill were, Mr Lyddal, Mr Trevanian, Mr. Malmesnux, Sir John Brownlow, Mr. Hampden, Mr. Molesworth, Mr. John Smith, Lord Stanhope, Mr. Young, Mr. Craggs, Lord Coningsby, Mr. Giles Eria, Sir Richard Steele, Mr. Nevile, Sir Charles Turner, Sir William Thnmson, Sir Joseph Jekyll, Mr. Secretary Stanhope, Mr. Aislabie. The speakers against the bill were, Mr. Robert Heysham, Mr. Snell, Mr Shippen, Lord Paget, Mr.

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rity. Lechmere, who always damns every thing that does not originally come from himself, will battle it against the court in the last; next Tuesday the grand debate will be, at which time I design to be present, to enable me the better to give you an account of it." Mr. Moyle to Horace Walpole.—Cox's Walpole, by the Hon. Horace Walpole.

Wykes, Mr. Hutchinson, Mr. Jefferies, Sir Thomas Cross, Sir William Whitlock, Mr William Bromley, Mr. Archer, Lord Guernsey, Sir Thomas Hanmer, General Ross, Sir Robert Raymond, Mr. Hungerford, Mr. Ward, Mr. Walter Chetwynd, Mr Lechmere.

Mr. *Lyddal*, who opened the debate, spoke as follows.

Mr Speaker, You have now under your consideration a matter of as great weight and importance, as, I believe, ever came before any parliament; for where the rights and liberties of the subject appear to be concerned, then certainly it is fit to proceed with the utmost caution and regard. The Triennial act was, no doubt, originally intended as a barrier and defence of those rights and liberties, against any oppressive or arbitrary invasions of the crown: and though we are so happy as to have a good prince now upon the throne, who is likely to be succeeded by one equally so, yet such great blessings were never entailed upon a people. Nobody can be more for supporting the just prerogative, than I am, because I always take it to be a power of doing good: and therefore, if upon the strictest examination I could find, that what is at present proposed, would throw the balance of power too much on the side of the crown, I should then think it not only hurtful and dangerous to the public, but fatal and destructive to the constitution. In order to enter farther into this subject, it is proper to look back from whence a bill of this kind first took its rise. In the year 1640 a bill for Triennial parliaments*, or that which was very like it, was passed, but with a clause in it, of a hard and compulsory nature, derogatory to the crown, and, indeed, unreasonable in itself, with many other disagreeable circumstances. It is well known what was the consequence of those unhappy differences, between the king and his people. After the Restoration, in the 16th of king Charles the Second, this act, which immediately preceded a long and bloody Civil war, was repealed by another act, the preamble of which is very remarkable;† and thus things remained until some time after the Revolution, when king William was prevailed upon to pass this now, I hope, dying law. I am sure nothing could prevail with me either to enlarge or alter this act, were I not convinced by comparing the arguments on both sides, that the not doing of it is liable to more inconvenience and danger. If you do it, you effectually strengthen the hands of the king; settle and maintain the Protestant succession by destroying the vain hopes of all its enemies, both at home and abroad. You encourage your allies to join with you, nay, and to depend that what shall hereafter be stipulated and agreed upon, will be punctually performed. This experiment may, perhaps, at first disquiet the minds of the people: especially when they are exasperated by all the endeavours of men averse and disaffected to the government. However, a little time will shew, that it will entirely break our parties and divisions, and by that means lay a firm and solid foundation for the future tranquility and happiness of this kingdom. Besides, if this opportunity be lost, you may possibly never have another, at least so good a one, not only to conquer but even to eradicate that spirit of Jacobitism, which has long dwelt among us, and has more than once brought this nation to the very brink of ruin and destruction. Since therefore, with much danger and difficulty, we have at last secured our religion, laws, and liberties, when all was at stake, from the treachery of the late ministry, the unaccountable proceedings of the last triennial parliament, why should you run the risk of having a new one so soon, first chosen by French money, and then voting by French directions? Since the king and his parliament exert their united power for the good of the public, and to retrieve the honour of the nation, why should they not continue longer together, that they may finish what they have so unanimously and so happily begun? Upon the whole, Sir, the electors and people of all the boroughs in England having been, for several years past, both bribed and preached into the Pretender's interest, and a dislike of the Protestant succession, it becomes rather necessity than choice to apply an extraordinary remedy to an extraordinary disease; therefore I shall give you no farther trouble, but make you a very short motion, which is, That this bill be committed.

Mr. *Shippen*[a] spoke against the bill as follows:

Mr Speaker; I know my duty to this House, and the consequence of any unguarded

* See vol. 2, p. 702.

† See vol. 2, page 292.

[a] "I love to pour out all myself, as plain
"As downright Shippen, or as old Montague."
POPE.

The noblest testimony to the character of Shippen was given by sir Robert Walpole, when he declared, which he repeatedly did, "That he would not say who was corrupted, but he would say who was not corruptible; that man was Shippen." Coxe's Memoirs of sir Robert Walpole.

"He was consistent in conduct, open and frank in his opposition to the existing government, and of inflexible honesty and integrity; but he was known to be disaffected to the protestant succession, and indeed never hesitated to avow his sentiments. This may account for Pope's panegyric, but it makes sir Robert Walpole's testimony to his character more manly." Pope's Works, vol. 4, p. 80 Bowles's edit. 1806.

A more particular account of him from Coxe's Memoirs may not be unacceptable;

"He was born 1672, and was educated at

expressions better than to say, that by any bills we have already passed, we have made so wide a gap in the constitution, that the force of the law is in a manner destroyed, or that, by any thing we have done, we have paved the way to a despotic and military government, the greatest calamity that can befal a free-born people. Such reflections may come from persons without doors, who, though they may with justice complain when their liberties are invaded, yet cannot always enter into the depth and wisdom of our counsels, and are too apt to censure what they do not understand. No member can regularly arraign any bills the same session they have obtained the force and sanction of laws. But this bill, though it hath already got through the most difficult part of its passage, and though it will in all probability be the next law that shall be made, is yet unpassed, is yet before us for our consideration, and we have a right to treat it with freedom; Freedom of speech, I presume, will not only be allowed, but is expected on this occasion. I hope therefore, as the business of this day hath raised an universal expectation throughout the kingdom, so gentlemen who are more able, (none is more willing than myself) will appear with resolution and spirit in this important debate; in this, perhaps, our last struggle for the liberties of those we represent.

I think, then, all the arguments which have been used for this bill, are grounded on mere surmises and imaginations only; are either trifling in themselves, or dangerous to their consequence. One main reason urged, both in the preamble of the bill, and in the debates of the gentlemen who are for it, is this: That the disaffections of the people are so great, and the enemies of the government both at home and abroad so watchful, that new elections will occasion new riots, rekindle the rebellion, and be destructive to the peace and security of the government, which will all be prevented by continuing this good parliament, and making the time of its dissolution uncertain.

If this argument be applied to the ministry, I can only answer, that it is no concern of ours whether they have rendered themselves odious to the people, or not. They are more properly the object of our jealousy, than of our care. They may be destroyed, and the government subsist. But if it be applied to his majesty, as it must be to make it any inducement to pass this bill, I will venture to say, that none of those, who are called enemies to the government, and abettors of the rebellion, could have offered an argument so injurious to his majesty's honour. For with what face can any good subject insinuate, that in the infancy of his reign he hath deprived himself of the love and affection of a people, who so lately received him with the utmost expressions of joy? What an unjust idea must this give of his most mild and gracious government? But the assertion is the more injurious, because it is entirely groundless. For when these pretended disaffections were at the highest, it appeared how impotent they were, how far from being universal, by the easy and sudden suppression of the rebellion: and by consequence how absolutely his majesty reigned in the hearts of his subjects. Now the rebellion is suppressed, if there should be any remains of those who are ill disposed, the fate of their friends, whilst the terror of it is fresh in their minds, will restrain them from any future attempt. Besides, the hands of the government are strengthened. The Habeas Corpus act is not only now, but may be again suspended: You have a numerous standing army distributed through the kingdom, to controul and awe unruly spirits. But suppose the disaffections of the people to be as great, suppose the faction, spoke of in the preamble, to be as restless and designing, as is affirmed; is this the way to extinguish animosities, to heal divisions, and to reconcile parties? No, Sir, it will rather create discontents, where there are none already: It will rather give occasion to those

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Stockport school. He was first elected member of parliament in 1707 for Bramber in Sussex; and in 1714 he was elected for Newton in Lancashire, which place he represented till his death. His paternal estate was not more than 400*l* per annum; but he obtained a large fortune, 70,000*l*. by his wife, daughter and co-heiress of sir Richard Slate, knight, of Northumberland, by whom he left no children: his mode of living was simple and frugal. He kept up a constant correspondence with Atterbury, during his exile; and William Morrice mentions him in one of his letters, as a person who continued fixed to his principles, or, as he expresses himself, as honest as ever. He seems to have had no country residence, except a hired house on Richmond-hill, but made excursions in summer to his wife's relations in Northumberland. His usual place of abode was London; in the latter period of his life in Norfolk street, and his house was the rendezvous for persons of rank, learning, and abilities; his manner was pleasing and dignified, and his conversation was replete with vivacity and wit.

"Shippen and sir Robert Walpole had always a personal regard for each other. He was frequently heard to say, Robin and I are two honest men. He is for king George and I for king James: but those men with long cravats (meaning Sandys, sir John Rushout, Gibbon, and others) only desire places, either under king George or king James.

"By the accounts of those who had heard him in the House of Commons, his manner was highly energetic and spirited, as to sentiment and expression: but he generally spoke in a low tone of voice, with too great rapidity, and held his glove before his mouth. His speeches usually contained some pointed period, which peculiarly applied to the subject in debate, and which he uttered with great animation." Coxe's Memoirs of sir R. Walpole, vol. 3, p. 206.

that are disaffected, to rail at your proceedings; to say, that your actions are such that you dare not venture on new elections. and who knows what such suggestions may produce? It is possible when the three years for which you are now chosen, shall expire, they may insist, that they are unrepresented in parliament; and this will be a better handle, a more plausible foundation for the faction to work upon, than they could have at the time of a regular election. Now, if the continuance of this parliament be intended only to calm men's minds, and that it is hoped this storm may by degrees subside, gentlemen will be pleased to consider, that we are but a bit le above a year old, though we have done so many great and glorious things, and that there will be no necessity, as the law stands, of a dissolution this year and half: and that nobody can imagine discontents will last so long under so wise, so moering, so pacific an administration, as we now enjoy.

Another reason insisted on is, That as the continuance of this parliament may prevent commotions at home, so it may hinder any invasion from abroad, by encouraging our ancient allies to enter into new treaties with us, which they will not otherwise do. This is a secret which, to my humble opinion, ought not to have been revealed; this is an argument highly improper to be urged in a British parliament, for it supposes, that our allies prescribe to our councils, and that they expect we should alter the present frame of our constitution, before they will favour us with their friendships; which is a thought not to be endured in this place, where so many millions have been raised for their service, and must move the indignation of every Englishman, especially if it comes from any state that first received its being, and afterwards its protection, from England. I hope never to see this nation brought so low, that the crown shall be directed, as was once attempted, when to remove or keep its ministers, when to dissolve or continue its parliaments Sir, his majesty, as king of Great Britain, is the arbiter of Europe, and may dictate to other nations. They will, for their own sakes, court his friendship; they have always found their account in being allies to the crown he wears. The British treasure and the British armies, have made them triumph over their enemies, and establish the balance they wanted. It is farther said, that by this bill you will restore the prerogative to part of its power, which is cramped by the Triennial Act. Now, if this bill is to be understood to relate to alliances, it weakens and not strengthens the prerogative. For it is an insinuation, that the people have something to do in making treaties, which must ever be denied by the friends of the crown, where the sole undisputed right is lodged by the constitution of this kingdom. Besides, if that was any consideration here, this argument is also a reflection on the present ministry, who are to have the honour to advise his majesty in any alliances he shall think fit to make: for it hath an appearance, as if they durst not look a new parliament in the face; or, as if by some detriment or other, they should not continue in their posts, without the help of this bill, long enough to assist in supporting those alliances when made. It is true, we have had of late a sort of Triennial ministers, as well as parliaments. But we are to hope, that the present set of ministers, who so far surpassed all their predecessors in wisdom and virtue, will behave so well, as to deserve the continuance of his majesty's favour, and the kingdom's approbation. Their friends ought therefore rather to reject, than to inforce this argument, as reflecting on them, and grounded in itself.

There is another reason, drawn from the great and continued expences occasioned by frequent elections, which is so weak, that it scarce deserves to be taken notice of. For every gentleman is a judge of his own circumstances, whether he will or can be at the necessary expences of an election: corrupt ones are not to be supposed, especially in this House, which, all the world knows, was chosen without the least corruption, without the least violence, without the least improper influence whatsoever.

As to what is said, That frequent parliaments are the cause of obstructing justice, and hinder candidates from being impartial in the distribution of it; it is equally trifling with the reason last mentioned; and, if any, is an argument only for making parliaments perpetual. For he who will be a great deal biassed by his hopes of securing his seat in a Triennial Parliament will, by the same principle, be a little warped by his expectation of sitting in a Septennial one; and he ought in neither case to be a member of this House; for nothing can effectually cure such a disposition; it will never be able to resist greater temptations, and court preferments.

These are the chief arguments for passing this bill; and I humbly conceive they now appear to be of no great weight: but the reasons for letting the law stand as it does, are such as, in my opinion, cannot receive an answer.

First, If there were not abundance of other argements against this bill, the manner of its coming hither, is a sufficient objection to it. It is sent from the Lords, and as it chiefly relates to ourselves, I shall apprehend it inconsistent with our honour to receive it. We ought to imitate the spirit which our predecessors ever shewed in resisting all attempts of this kind, all appearances of innovation by the Lords. Our predecessors were so very jealous of their privileges, that they never failed to exert themselves, even on the smallest and most minute occasions. Shall we then! shall this glorious House of Commons be so far from doing that, as humbly to take a new model of our constitution from them? Surely we shall not sit tame, and acquiesce meanly, when they think fit to strike at the foundations of this House,

But if any here could be inclinable to receive the dictates of the Lords, or to speak out, the dictates of the ministry, I humbly apprehend it is not in our power to consent to this bill. For I cannot conceive, by any rule of reason or law, that we, who are only representatives, can enlarge to our own advantage the authority delegated to us; or that by virtue of that authority, we can destroy the fundamental rights of our constituents. I know indeed, that the notion of the radical power of the people hath been extended to a degree of extravagance and absurdity, which I would never be supposed to contend for. But it is self-evident, that this power with relation to the part we bear in the legislature, is absolutely, is solely in the electors. You have no legislative capacity, but what you derive from them. You were chosen under the Triennial Act, and could only be chosen for three years, unless they could convey more to others, than they had in themselves; unless they could give us a longer term to represent them, than they could claim at the time of their choice to be represented. Our trust therefore is a Triennial trust; and if we endeavour to continue it beyond its legal duration, from that instant we cease to be the trustees of the people, and are our own electors, from that instant we act by an assumed power, and erect a new constitution. If we could dissolve or alter the form of any one part of the legislature, why not of the whole? And that is a doctrine I presume will not be advanced here; I am sure it will never be allowed in any other place. But I know it is a very unacceptable way of speaking, to dispute the power of those to whom one speaks; and it may be thought a presumption if I should affirm in this present parliament, which hath given so many proofs of its omnipotence, that even the whole legislature cannot do every thing. I must however always be of opinion, that though it is a received maxim in civil science, that the supreme legislature cannot be bound; yet an implied exception must be understood, viz. that it is restrained from subverting the foundations on which it stands; and that it ought not, on any pretence whatsoever, to touch or alter those laws, which are so far admitted into the constitution, as to become essential parts of it. I am also of opinion, that we cannot pass this bill, because it would be an infraction of the act of union, which I bear almost every day in this place called an irrepealable and fundamental law. But since the representatives of North Britain are satisfied in that point, it would be highly impertinent in me to insist upon it.

But if nothing stood in your way, if it was never so much in your power, I think you ought not to repeal the Triennial Act, except in the last extremity, and in the most imminent danger of the State. This law was one of the fruits of the Revolution: This law restored the freedom and frequency of parliaments, so far as was consistent with the circumstances of that reign, which was involved in a war, and had occasion for constant and heavy taxes: This law was a concession made to the people by king William, in the midst of his difficulties, and I own the policy of those ministers, who shall advise his majesty to give his royal assent to the repealing of it, is of too refined and delicate a nature for my understanding. For since his majesty has been pleased to propose that prince as a pattern to himself, and is pursuing his steps with so much glory, it will be a matter of astonishment to those who are not in the secret of affairs, to see, that in the reign of the one king every thing should be done to enlarge the liberties of the people, and to restrain his successors from being capable of relapsing into the errors and abuses of former princes; and that in the reign of the other, there should be the least appearance of doing any thing which might but seem to stretch the prerogative, to invade, and shock the rights and privileges of the subject, when both shall be found to rule by the same principles of liberty, and by the same maxims of government.

The Triennial Act is grounded on the ancient usage and constitution of parliaments; as it is intended to oblige the crown to call them frequently. For that, parliaments were held frequently, half yearly, or annually at least, appears not only from the best accounts we have of the first institution of them, and by the two acts of Edward 3, but by the writs of summons still extant, and several authentic instruments and records. However satisfactory it might be on any other occasion, I am sensible that a deduction of the history of ancient parliaments, as they were successively called, would be very tedious and uncertaining in this debate; and I will therefore only mention two records. One is that famous instrument of Edward 1, concerning the Annuus Census, then claimed by the popes from the crown of England: wherein he takes notice, that some arrears, incurred on that head, had not been raised, as they ought to have been 'in Parliaments, quod circa Octavas Resurrectionis Dominicæ celebrari in Anglia consuevit.' But he promises that he would recommend the payment of the money due, 'in alio Parliamento nostro, quod ad finem Sancti Michaelis proximè futuri intendimus, dante Domino, celebrare.' The other record is a representation from the parliament to Richard 2, some passages of which are these—'Quod ex antiquo Statuto habent, et Consuetudine laudabili et approbata, cujus contrarietati dici non volebit.' That the king is to call 'Dominos et Proceres Regni atque Communes semel in Anno ad Parliamentum suum, tanquam ad summam Curiam totius Regni.' That if the king—'a Parliamento suo se abesse naverit sua sponte, non aliqua infirmitate aut aliqua alia de causa necessitatis, sed per immoderatam voluntatem proterve se subtraxerit per absentiam temporis Quadraginta Dierum, tanquam de vexatione Populi sui et gravibus expensis eorum non curans, ex tunc licitum omnibus et singulis eorum aliqua Domigenio Regis relicto ad proprias [illegible] Patriam suam remeare.'

From the former of these records, it is obvious to observe, that Edward the 1st who was one of our best princes, and so great a preserver of the laws of his kingdom, that he is justly called by the historians the English Justinian, chose, rather than to prolong the sitting of his parliament beyond their usual time, to dissolve one, though it had not finished its necessary business, and to summon another within the space of a few months. From the other it is very remarkable, that Richard 2, who is said to be one of the worst kings that ever sat on the throne of England, by absenting himself from the business of parliaments, and by that means continuing their sessions beyond their proper and accustomed time, drew upon himself a sharp remonstrance from both Houses, and was at last, for such practices, amongst other things, deposed.

Many reigns after this, Henry 8 accomplished what Richard 2 only attempted, and he continued his last parliament *ad libitum* without reproof. But it is well known what exorbitant powers they vested him with, and God forbid we should have any resemblance of those times; for that parliament acted like slaves, and that king acted like a tyrant.

But if the Triennial law had not been grounded on the reasons of antiquity, and the original usage of parliaments, it was no more than a reasonable indulgence from the throne to the people, who had struggled for a revolution, on account of the abuses of parliaments, and the endeavours to render them insignificant. It is true, that prince once denied his royal assent to it; but afterwards he considered, that it could be no diminution of his prerogative, no blemish to his regal powers, to retrieve the honour and dignity of parliaments, as they were his support, as they were the essential part of that constitution he came to save, and this he found he could only do by the frequent calling of them.

Besides, this law was not only a reasonable indulgence to the people, as both been said, in that it gave them frequent opportunities of changing their members, when they did not approve their behaviour, and was of advantage to the public, in making them act with more than ordinary caution and circumspection; but it proved of great service to the crown: For by frequent parliaments the crown could only know the immediate sense of the nation, which is absolutely necessary for a prince to know on all emergencies. However inconvenient this law may now be thought to the crown, and however opposite to some projects and schemes an active ministry may have in view, I appeal to experienced members whether they think, or can imagine, that the crown could have got half the money it hath been supplied with since the revolution, but by new and fresh elections. Such grievous and perpetual taxes would never have been endured from a stale and continued parliament. There is no injury or dishonour therefore to the crown, to be obliged by a law, to do what, in justice to the subject, and convenience to itself, it ought to do without a law.

But if you had a power to repeal this law, and exercise that power, the people would be in a much worse condition, than if it had never been granted to them. They would be bound up for ever in a legislative way, the only way effectually and irrecoverably to lose their liberties. They would by us, their representatives, condemn short and frequent parliaments, and establish long and pensioned ones, which is a new doctrine, and such as was never before advanced by the Commons of Great Britain.

Surely there must be some secret cause, some latent reason for hurrying on this bill in so precipitate a manner. The true reason, I believe, is not declared, and for my part, I cannot but suspect, that the ministry have something to do which they apprehend will not be acceptable to a new parliament, and which will not stand the test of the nation. I say, it must be something they have to do; for I am confident they do not self-condemn themselves, for what they have already done. They have no remorse of conscience for apprehending so many hundred gentlemen, and confining them in prison so many months without examination. For such confinements were not only necessary to suppress the rebellion, but we have been told were intended as a favour and kindness to the persons who were so confined. It must therefore be some new work they have upon their hands; what that work is I will not presume to guess. But I will presume to say, what it cannot be. It cannot be a design to abolish the limitations of the Act of Settlement, with relation to foreigners; because that is no less than an open violation of our new Magna Charta, and an entire infraction of our original contract, as the government now stands.

I fear I have quite wearied your patience, but the importance of the subject will in some measure excuse me, and I have but a very few words now to add. I hope you will reject and not commit this bill. For there is nothing more certain, than that it will be to your dishonour and disservice to pass it, if we may reason of what will be, by what hath been. Long parliaments then will naturally grow either formidable or contemptible.

We have an instance of the one, in the long parliament of king Charles 1, which to its eternal infamy overturned the best constitution in the world, the church and monarchy of the nation. We have a proof of the other in the long parliament of king Charles the 2d. I ask pardon if I am heard by any that were members of it, but I only repeat what others have said. There was a famous simile applied by (Julian) Johnson to that parliament, which I the rather mention, because it was much applauded by the patrons of liberty and lovers of parliaments, and because I know the author is esteemed above his deserts by some gentlemen, who are now debating for long parliaments: it is this, 'That a standing parliament will always stagnate, and be like a country pond,

which is overgrown with docks meat.' I make no application, no man will, or can, with any colour of truth or reason, apply it to this parliament. This parliament is so far from being a stagnating pool, that it might rather be compared to a rapid stream, or an irresistible torrent, which, if continued, will bear down all before it.

Mr. *Hampden* replied as follows:

Mr. Speaker; The House is now entered on the exercise of a power, which, of right, and agreeable to the constitution, belongs to them; I mean that branch of power which they, as a part of the legislature, have of repealing laws or extending and limiting them, in such manner as shall appear to them most conducing to the service of their country. As this right of altering the laws does undoubtedly belong to the legislature, it ought to be used with the utmost regard: since it is equally a crime to enervate laws that are found to be a support to our government, as to omit the abolishing or suspending such as have not answered their end when made, or which is worse, as have proved detrimental.

It is a commendable zeal, when gentlemen in their debates express a tenderness for the existing constitution of their country, and their apprehensions of the least innovation in the frame of the government; and I am not surprised that it is objected, in so popular a manner, that the passing of this bill for suspending the law for the election of triennial parliaments, is to sap the foundation of our English liberties. But if, upon an impartial enquiry, it shall appear, that this bill, which was made for the benefit of the nation, has, in no respect, answered the purposes for which it was calculated, when made into a law, I presume it may be allowed, that the danger in suspending it is more imaginary than real. And since it is as unjustifiable to be tenacious of a matter that has no argument to support it, as not to give way to what experience has demonstrated, if this bill should, in its consequences, be void of proof of its answering the ends for which it was made, I hope it will not be so great a crime to suspend it, as it has, with industry, been represented without doors.

A principal argument for continuing the triennial bill is, that it is agreeable to the ancient laws of this nation, that there should be frequent parliaments. I find by the laws I have looked over, that parliaments ought to be frequently held; but I find it no where laid down as a fundamental position of the nature of this constitution, that there should be frequent elections. If gentlemen will look to the beginning of parliaments, they will find, in the 4th, 5th, and 36th of Edward 3, that, 'For 'redress of divers mischiefs and grievances 'which daily happen, a parliament shall be 'holden every year or oftener, if need be.' Let it then be considered in what manner those parliaments were held: When a king met his parliament, they used to sit ten or twenty days, and then were prorogued or dissolved; and there were frequent intermissions of parliaments, none being called for several years. By looking over the Journals, we find the prorogations and dissolutions of parliaments.

To come down to the time of Henry 8th, few of his parliaments sat more than twenty days, though there was not a parliament met every year; and from the 7th to the 25th of Henry 8th, there are no Journals, and, consequently, we cannot tell in what manner parliaments were held. Afterwards there were several parliaments, but not every year, to the end of his reign.

A parliament was called the first year of Edward 6, and in five years sat but four months. In Philip and Mary there were four parliaments, but the sessions extremely short. From the 2d to the 5th, and from the 7th to the 13th of queen Elizabeth, no parliament met, and from the 14th to the 25th of queen Elizabeth, the parliament sat only from the 8th of May to the 30th of June; and four years after, from the 8th of February to the 8th of March following, and in eight years after, never sat to do business, but were then dissolved. There were six other parliaments called in queen Elizabeth's time; but never sat long unless that in the 39th of her reign, which sat four months.

The parliament in the first of James 1, sat about four months, and in three years after, sat about eight days. That parliament was not dissolved till the 9th of James, but sat twice or thrice only. There were three other parliaments in his reign, but they met very seldom.

The sessions in king Charles 1, were much shorter than of late days, with very frequent prorogations; and in the 16th of his reign an act was passed, 'For preventing Inconveni-'ances by long intermission of parliaments,' by which it was provided, that a parliament should meet every three years; which law we find repealed in the 16th of Charles 2, by reason that the provisions in the former law were looked upon as a derogation to his majesty's just and undoubted prerogative for calling and assembling parliaments, and might be an occasion of manifold mischiefs, and might endanger the peace of his people. The said act is repealed, and a provision made therein, that 'Because 'by the ancient laws of this realm, in the reign 'of Edward 3, parliaments are to be held very 'often; the sitting and holding of parliaments 'shall not be intermitted above three years.' In this king's reign the long parliament was held; and whatever corruptions they were tainted with, they could never be accused of favouring the cause of France, or attempting to enslave their own country.

In the reign of king James 2, that unfortunate prince, a parliament was held 10 May 1685, and sat above two months, and was, at several times, prorogued to November 1687. Then the happy revolution took place, and in the Bill of Rights, 1 Gulielmi et Mariæ, it is declared and enacted, 'That all the rights and li-

'berties asserted and claimed in the said De-'claration, are the true, ancient, and undoubi-'table rights and liberties of the people of 'this kingdom, and ought to be firmly and 'strictly holden and observed.' * And in the same bill, among that long catalogue of grievances, which precedes the said declaration, there is not the least mention made of what of frequent elections, but only that parliaments ought to be free In the 6th of king William, this new favoured bill for triennial parliaments was passed, and upon this occasion I cannot help observing, that it is some satisfaction, that the people abroad who look upon the reign of that prince as a usurpation, should be fond of any one act that passed in that time; and I hope from hence, they may in time be more reconciled to the Protestant succession, which is in consequence of that Revolution.

If gentlemen will look over the writs of summons, and the returns of those writs, they will find no mention how long any parliament is to last; but the return makes mention of the persons who are to serve in the parliament that is to meet, and be held at such a time at Westminster It must be allowed, that the parliament is subject to the triennial act while it subsists, and therefore the advantages or inconveniences of that law ought chiefly to be considered in the matter now before us. And in case an act be found prejudicial, if such a veneration is to be paid to a law, as not to alter it, from any conviction of its being insufficient, or attended with ill consequences, I think the legislature will become, in a manner, useless I take the principal matter to be, to examine what benefit has accrued to the nation by virtue of this bill, and if the inconveniences do not outweigh all the advantages?

It is pretended, that by the Triennial elections, the people have an opportunity of laying aside those persons with whose behaviour in parliament they are dissatisfied or such whom they apprehend to be under court-influences; I desire it may be considered how very few examples there are, of persons, who having accepted places, have not been re-elected The reason is very obvious: Because the people, who love expences, judge that a man who has a place of profit, is much more capable of making an expence, than he that has none But supposing any gentleman so wickedly disposed, as to sacrifice his opinion to the lucre of a place, does not such a person, who has spent five or six hundred pounds at his election, and his circumstances not very able to bear it, come more prepared for court-temptation, than if he had enjoyed his seat in parliament, and been free from the trouble and expence of frequent elections? I appeal to gentlemen, if expences are not increased? And if any instance can be produced where they are abated, many more may be when they are increased; so that the end of the bill, in this respect, is no ways answered.

It is said, that expences being voluntary, it is the fault only of those who make them; but when we observe the contagion of expences to be universally spread in the kingdom at the time of elections, and a dissolution of manners occasioned by such expences, it is time for the legislature to interpose, and prevent the dangerous consequences of such an evil. Do gentlemen consider the distractions occasioned by election, and the impossibility, considering the small interval of elections, to heal up those wounds which the animosities of parties have occasioned, so that it is little better than living in a continual state of warfare This is also less fatal than undeniable consequence of this bill, which was calculated for the ease of the subject

It is said, the reason of this expedient, as it is called, is because the majority of this parliament are Whigs: and though it is allowed that this parliament has acted for the service of his majesty and the nation, the proceedings of the last parliament are said to be as meritorious of the king's good opinion, and the nation's, as what this parliament has done

It is much insisted on, that the Tories gave the Civil List that is true; but had they not given it, I believe the king would not have been deprived of it. It is said the king was received here with the universal joy of his people: why did that satisfaction cease so soon? Has the king done any thing to lose the affection of so many of his people? or have his ministers? If his ministers, why has the spirit of patriotism been so much wanting in gentlemen, as not to represent to the king or in this House, the crimes of those he employs in his service? But if no real handle for these discontents has been given by king or ministers? then those who pretended such a zeal for the king and his service, at his arrival here, acted a hypocritical part, and meant nothing less than what they now make professions of. Let us consider the present situation of the minds of the people, how exasperated one set of them are at the necessary prosecutions of those, who so fatally concerted the ruin of their country; and to what degree that restless spirit influenced the people in the late rebellion; and how industriously a false and mistaken cause of the church has been of late propagated in this nation.

From these and many other circumstances of affairs, and other symptoms of the ill temper of the nation, I think the disposition of the peoples minds far from being suitable to the business of an election, but rather for a restoration of that person, who the deluded people have been taught has alone a right to the crown, and is to come to free you from the oppressions you now lie under.

So much has been said concerning the preparations which the Regent is making, by extorting vast sums from the subjects of France; and so much has been spoken concerning our alliances, and the necessity of applying ourselves to find out effectual methods for discharging the

* See vol. 5. p. 487.

public debts, that after so long a debate, I shall not trouble you with my thoughts upon those subjects.

It must be allowed, that the nation has obligation to those patriots who framed this law, with a view and expectation it would prove a secure provision for the liberty and ease of the subject: but could those great and honest men have foreseen into what a degenerate state this nation would fall, they would have been convinced how sufficient and cobweb a remedy such a bill must prove, and they would scarce have been content with leaving to posterity a legacy, which experience has shewn to be destructive, instead of any real advantage to them. I humbly apprehend, that when laws do not answer their end, or prove prejudicial to their consequences, it is the duty of the legislature to interpose: and that the suspension of this bill is so far from being a violation of our constitution, that it is the healing a breach made in the constitution by those who obtained this law.

The reasons why I am now for the bill are, To dispose the people to follow their callings and to be industrious, by taking from them, for a time, the opportunity of distracting one another by elections: to prevent such who have the will, from the power of giving any new disturbance to the government: to prevent another rebellion, there being just as much reason to expect one this year, as there was the last; to check that evil spirit in those who have sworn to the king, and rose in arms against him, or abetted such who have: to discountenance that spirit which lately did so far prevail in this nation as to approve of a most ignominious conclusion of a successful war, by a ruinous peace: to render fruitless any conceited project of the Regent, or any other foreign princes, to disturb this nation at a time when elections, or the approach of them, have raised a ferment in the mind of the people. and to procure to the clergy an interval from being politicians, that they may be the better able to take care of their flocks, in the manner the Scripture has prescribed.— For these and many other reasons, too long to enumerate at this time, I am for the commitment of this bill.

Sir *Richard Steele* spoke next for the bill, as follows;

Mr. Speaker, It is evident that new chosen annual parliaments were never the custom or right of this kingdom: it remains therefore only to consider, now that there is a law, which makes parliaments meet, as of course, at such a stated time, whether the period of three years answered the purposes intended by it? The preamble to the Triennial act expresses. that it was introduced into the constitution for the better 'union and agreement of the king and his people;' but it has had a quite contrary effect, and experience has verified, what a great man [meaning the late earl of Sonderland] said of it, when it was enacted, 'That it had made a triennial king, a 'triennial ministry, a triennial alliance.' We feel this in all occurrences of state; and they who look upon us from abroad, behold the struggle in which we are necessarily engaged from time to time under this law. Ever since it has been enacted, the nation has been in a series of contention: the first year of a Triennial parliament has been spent in vindictive decisions and animosities about the late elections; the second session has entered into business, but rather with a spirit of contradiction to what the prevailing set of men in former parliaments had brought to pass, than of a disinterested zeal for the common good the third session languished in the pursuit of what little was intended to be done in the second; and the approach of an ensuing election terrified the members into a servile management, according as their respective principals were disposed towards the question before them in the House. Thus the state of England has been like that of a vessel in distress at sea: the pilot and mariners have been wholly employed in keeping the ship from sinking; the art of navigation was useless, and they never pretended to make sail. It is objected, 'That the alteration proposed is a breach of trust.' The trust, Sir, reposed in us, is that of the public good. the King, Lords and Commons, are the parties who exercise this trust; and when the King, Lords, and Commons exercise this trust by the measure of the common good, they discharge themselves, as well in the altering and repealing as in the making or confirming laws. The period of time, in this case, is a subordinate consideration; and those gentlemen who are against the alteration, speak in too pompous a stile, when they tell us, 'we 'are breaking into the constitution.' It has been farther objected, 'That all this is only 'giving great power to the ministers, who may 'make an arbitrary use of it' the ministers are indeed like other men, from the infirmity of human nature liable to be made worse by power and authority; but this act gives no addition to that authority itself; though it may possibly prolong the exercise of it to them. They are nevertheless responsible for their actions to a parliament; and the mode of enjoying their offices is exactly the same. Now, when the thing is thus, and that the period of three years is found, from infallible experience itself, a period that can afford us no good, where shall we rest? The ills that are to be done against single persons or communities are done by surprize, and on a sudden; but good things are slow in their progress, and must wait occasion Destruction is done with a blow, but reformation is brought about by leisurely advances. All the mischiefs which can be wrought under the Septennial act, can be perpetrated under the Triennial; but all the good which may be compassed under the Septennial, cannot be hoped for under the Triennial We may fear that the ministers may do us harm, but that is no reason why we should continue them under a disability of doing us good. For these considerations, I am unreservedly for the Bill, thus;

Mr. *Snell* spoke against the bill.

Mr. Speaker;—We are told there is an abso-

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late necessity for the bill which is now before you, and that those who oppose it, are no better than friends to the Popish Pretender. But as I wish as well to his present majesty's person and government, as the most zealous for his service, I shall never resign my opinion to words only, and betray my trust to serve the purposes of a ministry.—I cannot but think this bill, if it pass into a law, will highly infringe the liberties of the people; and as I can by no means assent to the reasons that are offered to prove it necessary, so I shall heartily give my negative to it.—I do not wonder to hear a necessity urged for altering the constitution of our parliaments, by those who have given up their own

[This last expression, which was supposed to be owing to Mr. Haldon's, a Scots member, having declared for the bill, was resented by Mr Thomas Smith, who said, That Mr Snell would not be so bold as to speak those words any where else. He was seconded by lord Coningsby; and the dispute being like to grow warm, Mr Speaker interposed, and said, That all the members having the privilege of explaining themselves, Mr. Snell ought to have the liberty of so doing. Hereupon Mr. Snell said, That he meant no personal reflection on that worthy member, for that he spoke only of the Scots nation in general. To which sir David Dalrymple replied, That Mr. Snell's explanation increased the offence, instead of lessening it, and that he demanded satisfaction.—Some other members also calling out 'To the Bar, To 'the Bar,' Mr. Snell excused himself, by begging pardon for any unguarded expression that might have escaped him: Upon which the affair dropped, and he went on as follows:]

Sir;—The chief arguments made use of for the bill, as it repeals the Triennial act, and continues the present parliament, are, To appease the groundless animosities of the people: To avoid expences, which frequent elections occasion, to the impoverishing of many gentlemen's families; To obviate tumultuous riots and assemblies, which might give a handle to a second rebellion. and, lastly, To further our alliances abroad.—How we can possibly expect to quiet the groundless animosities of the people by this bill, I must own, I am at a loss to imagine, unless stripping them of their most valuable privileges, which they and their ancestors have for many ages past exercised and enjoyed, may be thought a proper expedient to reconcile their affections, and endear the present administration to them.

The expences at elections are merely voluntary, and if any one suffers by them he has none to blame but himself; and I scarce believe gentleman to be serious in this particular; for let us look but a little backward, and trace this mischievous evil, this growing corruption, that needs such an extraordinary remedy, to its original, and we shall find it has its rise from the same place whence the remedy proposed had its beginning; and that former ill ministries, the better to forward their sinister views, have, by sending their agents through the kingdom, at an approaching election, debauched the people with the public money; to that pitch of corruption we are now arrived. It is otherwise impossible to give an account how so many gentlemen are chosen to serve in parliament, in counties and places where they have no visible estates of interest; nay, some perhaps whose names were never heard of in the county a month before the election.

The Rebellion is happily now at an end, and the government so much better secured against riots and tumultuous assemblies, by the wholesome laws provided by the wisdom of this parliament, that little or no danger can be reasonably apprehended from thence; especially, if we consider the number of forces prudently quartered throughout the kingdom, sufficient to suppress the most daring commotions that shall be attempted.

The last reason made use of to prove the necessity of this bill, is, that it will enable the government the better to treat and negotiate foreign alliances. But surely those who make use of this as an argument, are strangers to the constitution of England; for by the known and standing law of the land, the right of making peace and war, treaties and alliances, are undeniably the king's prerogative; and the king may exercise that right, as to him seems best, and most for the good and benefit of his people, without application to parliament, either to approve or confirm. But admitting that of late years parliaments have thought themselves intitled to interpose their advice in treaties and alliances, though I deny it to be their right, this is an argument singly sufficient with me to support the Triennial Bill. For supposing a ministry shall at any time negotiate no alliance prejudicial to the interest of England, and by their artifice impose upon a parliament to approve and confirm it; is it not a peculiar happiness, that such a parliament will quickly have an end; and that the people have it in their own power or no, to continue the present parliament beyond the time for which the people chose us?

And as for my own part, I freely declare it as my opinion, though I shall always acquiesce to the judgment of the majority, that the purport of this bill, so far as it relates to the continuance of this present parliament, is not within the compass of the trust reposed in us by the people. And to satisfy gentlemen that I am not singular in this opinion, I would beg their patience to read to them a passage or two from Mr. Locke's Treatise of Government. 'The 'power of the legislature, says he, being derived 'from the people by a positive voluntary grant 'and institution, can be no other than what that

'positive grant conveyed; which being only to 'make laws and not legislators, the legislative can 'have no power of transferring their authority of 'making laws, and placing it in other hands. Again, he lays it down as a rule, 'That when the 'society has placed the legislative in any assembly of men, to continue in them and their 'successors, the legislative can never revert to 'the people whilst that government lasts, because, having provided a legislature with 'power to continue for ever, they have given 'up their political power to the legislative and 'cannot resume it; but if they have set limits 'to the duration of their legislative, and make 'this supreme power in any person or assembly 'only temporary; at the determination of the 'time set, it reverts to the society, and the 'people have a right to place it in new hands.' I beg pardon for the length of the quotation; but as the author, in his life time, was always esteemed a man of great learning and candour, and no ways suspected as disaffected to the succession in the house of Hanover, I could not omit taking notice of the sentiments of so great a man, so conducive to a right understanding of the point now in question. And if these positions are true, the inferences are very obvious; the people of England have a fundamental indisputable right to appoint their representatives in parliament; and by a law still in being, for three years and no longer, subject to the king's power of dissolution, have chosen us their representatives, in pursuance of that law; and therefore, whenever that Triennial term shall expire, have a right to chuse new ones.

It may be objected, That when the people have once constituted the legislative, that the legislature is thereby vested with the whole power of their electors: and it cannot be denied, but, generally speaking, it will hold true. And the people of England, having chosen us to represent them, we are thereby impowered not only to make laws, but to alter or repeal any law in being, as we shall think fit, for their benefit and security; and they will undoubtedly be bound thereby. But then this is to be understood, where the subject-matter of the laws we make is within compass of the trust which the people have or may at least be supposed to delegate to us; and it is in an ill way of reasoning to assert, that we have a power to do what we cannot do without prejudice to those we represent.

The right of electing representatives in parliament, is inseparably inherent in the people of Great Britain, and can never be thought to be delegated to the representatives, unless you will make the elected to be the elector; and, at the same time, suppose it the will of the people, that their representatives should have it in their power to destroy those that made them, whenever a ministry shall think it necessary to screen themselves from their just resentments: this would be to destroy the fence to all their freedom; for if we have a right to continue ourselves one year, one month or day beyond our Triennial term, it will unavoidably follow, we have it in our power to make ourselves perpetual; and whatever necessity we may be reduced to hereafter, matters are not yet in that apparent bad condition, to convince the people that there is a present occasion for the dangerous innovation in their constitution.

To say that the passing this Bill is not to grasp to ourselves the right of election, but only to enlarge the time for calling new parliaments, is a manifest fallacy; for whenever our three years are expired, we can no longer be said to subsist by the choice of the people but by our own appointment; and it is a jest to tell me, I have a right to that which another has a right to take from me.

Whoever will consider well the frame and nature of our constitution, will find it calculated for every circumstance needful for the security of a free people. We are guarded by our representatives in parliament, against any arbitrary encroachments of the supreme executive power; and by frequent and new parliaments, against the weakness, folly, and corruption of our representatives: and though many instances may be given of long intermissions of parliaments, yet that does by no means prove frequent and new parliaments not to be part of our constitution; and it is obvious to every impartial person, that without them our constitution is defective. For these reasons I cannot approve of this bill. I think it an open violation of the people's liberties, or, to speak most mildly of it, a breach of our trust in that part which will most sensibly affect them; and of that ill tendency in its consequence, that as nothing but the security of the ministry can make it at this time needful, so nothing but a standing force can make it lasting.

Mr. *Bromley* [a] spoke next against the Bill:

Mr. Speaker; I may venture to affirm, that the Bill now before you is of higher concern to the Commons of Great Britain, than any that ever yet was before you. It takes away the people's right of appointing their representatives, it deprives them of their share in the legislature, and, in my opinion, wounds the constitution of parliaments very deep.

No gentleman is ignorant, that the frame of our government is made up of the King, the Lords, and the Commons. These, with respect to each other, have ever been esteemed separate, although, when put together, they make but one entire government. The duration of this form of government in England, longer than in our neighbouring countries, is manifestly owing to the care taken by those that went before us, in keeping these three constituent parts of the political body up to the rules of their first institution, by restraining each to its proper bounds, and in not suffering one to be over-born, or swallowed up by the other two. However these three great parts

[a] For a short account of him, See vol. 6, p. 922.

may in other respects be considered, yet with regard to the legislative they must act in conjunction. The assent of each to the making of laws is essentially necessary, but the manner of giving this assent is different in the people, from what it is in the king, and in the lords. The people, by reason of their number, cannot be personally present at the passing of laws, their assent can no otherwise be signified, than by their representatives. The disadvantage the Commons are, in this respect under, is in some sort made up to them by the care taken in the framing of our government, that they should be truly and fairly represented.

That elections shall be free, is often declared in our written laws. It is in effect saying, that neither the power of the crown, nor the power of the lords should interpose in them. The resolution of this House, renewed every session, viz. 'That for a lord to concern himself in the 'election of members to serve for the Commons 'in parliament, is a high infringement of the 'liberties and privileges of the Commons of 'Great Britain,' sufficiently shews the jealousy the Commons ever had of the Lords intermeddling in the elections of their representatives.

The attempts made on the king's part, towards influencing elections, have been principally by officers under the nomination of the crown. As this mischief from time to time appeared, laws were introduced providing against it. The statute 7 Hen. 4, c. 15, recites that law to be made 'At the grievous complaint of 'the Commons of the undue elections for par-'liament,' and directs, among other things, 'that sheriffs should proceed to elections freely 'and indifferently, notwithstanding any com-'maud to the contrary' Many subsequent laws were made for preserving to the people this privilege, on which all other depend, of being faithfully represented in parliament. No less than seven acts were made in king William's time for that purpose: so greatly did the endeavours of officers to influence elections at that time abound. The statute of 3 Will and Mar. c. 1, takes notice, 'That the officers of 'the excise, by reason of the greatness of the 'duty, and the extraordinary powers given to 'them, had frequently, by threats or promises, 'so far prevailed on electors, that they had 'been absolutely debarred of the freedom of 'giving their votes; which, according to the 'known constitution of this kingdom, every per-'son ought to have and enjoy' It then enacts, 'that any such officer who persuades or dis-'suades any elector from giving his vote, shall 'forfeit 100l. and be incapable of executing any 'office relating to the excise.' Another law of the like nature was lately made in relation to the officers concerned in collecting the post-office duty. These laws are now all to be laid asleep. Provisions made for protecting the people's right of election must become insignificant, if elections themselves are no longer to be allowed.

The care taken by the founders of our government to preserve this right, did not stop here; it was not sufficient to that purpose, that elections should be free, it was likewise necessary that they should be frequent. The people's right to frequent elections was founded on substantial reasons. for since they, who could act no otherwise than by representatives, were capable of being mistaken in their choice, and the person chosen liable to be tempted over to a dependence on the crown, or on the Lords, and thereby receive an undue influence, it became necessary that frequent opportunities should be given to the Commons to correct their choice, and thereby prevent the danger which the unfaithfulness of their representatives might otherwise bring upon them

That the people had a right to frequent elections, is made unquestionable by the best of evidence, perpetual usage. From the first footsteps of parliaments, down to the time of Henry 8, not only from records, but from the printed statutes, the frequency of elections does appear. The most repeated instances, within that period of time, are of parliaments determining within the compass of a year; no instance where they continued longer than three.

King Charles 1, that unfortunate prince, was put upon governing without parliaments; but the necessity of affairs forcing him to change his purpose, a parliament was called in the 16th year of his reign, in which a law of an extraordinary nature was passed, viz. 'That in case 'the king did not call a parliament within three 'years after the determination of the preceding 'parliament, then the lord chancellor, &c. 'should issue writs for that purpose,' with many other extraordinary provisions. That parliament soon after perpetuated themselves, so far as it was capable of being done, and by an act made the same year, 'they were not to 'be dissolved but by act of parliament.' To the long continuance of which parliament were all the calamities of the civil war to be imputed.

This statute of the 16th of Charles 1 was repealed by the statute of the 16th of Charles 2, c. 1. But notwithstanding the fond humour the nation was then in, even by the same Act it was declared, 'That by the laws of this realm, 'parliaments are to be held very often,' and to the end there might be a frequent calling, assembling, and holding parliaments once in three years at least, it was declared and enacted, 'that parliaments should not be intermitted 'above three years at the most.'

In king Charles 2d's time another turn of policy was taken, which was to bring the House of Commons to the bent of the ministry, by the secret application of pensions to the members. Such was the modesty even of that age, as not openly and avowedly to bias with offices, those who might at least to be the faithful representatives of the people. For the effecting of this pernicious purpose of corrupting the Commons, it was necessary that the parliament should be prolonged; which it was for eighteen years, assurances of which being privately given to

many of the members, and there being time sufficient to gain upon others, not so far intrusted with the secret, the design was effected And such was the behaviour of that parliament, that it acquired the infamous name of the Pensioner-Parliament

The attack thus made on the constitution of parliaments, by depriving the people of their right of frequent elections, gave birth to the jealousy the nation entertained, of the intention that prince had of assuming to himself a despotic power. How uneasy the later part of his reign became on that account, is well known, and this nation has felt the effects of the fervent and divisions which then arose, and by the artifice of ill-designing ministers, have been ever since continued The people being warned by the narrow escape their liberties met with from that parliament, did, after much struggle, obtain the law of Triennial Parliaments, the only remedy left for preserving their ancient constitution And now, after above an hundred millions given by the people, in order to preserve their old form of government, here is a bill sent us by the Lords, which if it passes, must expose us again to the greatest of dangers, which is that of a long parliament.

In the time of that Pensioner Parliament, which began in 1662, the means of temptation in the minister's hands, were not so great as they now are the Civil List is well nigh double to what it then was: the dependence on the crown is greatly enlarged, by reason of the increase of officers for managing the public revenue and funds. What influence these may have upon an exhausted nation, under the terror which 40,000 regular troops carry with them, is easily foreseen

No wonder the Lords, who are ever fond of power, have sent us a bill which admits of their having a share in the nomination of the House of Commons but I cannot guess what should induce them to expect our concurrence. Surely they cannot think so meanly of us, that for the sake of continuing our seats here, we should give into what so greatly affects the rights of those that sent us. Can we be thought so ungrateful, as to join in the destruction of the power that raised us? Can they think us so unfaithful, as to betray our trust in this gross manner, by renouncing our relation to the people, and accepting from the crown, and from themselves a renewal of our right to sit here? should they imagine us no longer to be influenced by the rules of justice and morality; yet methinks they should allow us to have some sense of shame remaining, which must give us pain when we return into our countries, and look those in the face whom we have so greatly injured

I would take notice of a matter that was mentioned in the debate, viz. 'That supposing 'this bill should undergo the forms used in the 'passing of bills, whether it would carry with it 'the obligation of a law?' Of this I owe myself much in doubt The powers we are intrusted with, as representatives of the people, appear in the form of a writ for summoning the parliament. And in the indentures annexed to the return, the writ recites, 'Whereas we have 'thought fit to call a parliament, touching di-'vers urgent affairs, concerning us, the state, and 'defence of our kingdom of Great Britain,' it then requires, 'That the sheriff do cause two 'to be elected knights, &c. to act in, and con-'sent to what shall be ordained by the com-'mon council of Great Britain, 'super negotiis 'antedictis' The indenture annexed to the return, answers the writ, viz. 'That they have 'elected such and such to attend according to 'the tenor of the writ, and given them full 'power to act in and consent to, all things in 'the said parliament, which shall be by com-'mon council and consent ordained, touching 'the state and defence of his majesty's king-'dom of Great Britain.' The question then is, Whether the authority thus given us to act, touching the defence of the government, does enable us to lay aside one of the three great estates, the people, by denying them their right of acting by their representatives in parliament and consequently their share in the legislature? does the power put into our hands by the people, justify our turning the dagger into the bowels of the constitution? This doubt is increased, by the notion that prevailed touching the invalidity of the statute of the 16th Car. 1, c. 7, whereby that parliament was not to be dissolved but by an act of parliament No act of parliament was ever made for that purpose; which would certainly have been done, had the subsequent parliament thought that a law made in diminution of the people's interest in the legislature had been valid, (it is to be observed, that by an Act of the Convention that met in April 1660, the Long Parliament that met in 1640 was declared to be dissolved: but that act was not confirmed by parliament, as most of the other acts of that Convention were by the statute of the 13th Car. 2, c 7)

'I should be very willing to hear answered what a worthy member who just now spoke for committing the bill, and owned his sentiments altered touching the Triennial Act, has told the world in an excellent Treatise of this [Meaning Mr. Molesworth, in his Preface to his Account of Denmark]' That no people can 'give away the freedom of themselves and their 'posterity: that such a donation ought to be 'esteemed of no greater validity than the gift 'of a child, or of a madman: that people can 'no more part with their legal liberties, than 'kings can alienate their crowns' Every body is sensible that the public occasions will require large supplies; and should so much as a doubt arise in men's minds touching the legality of the taxes, it will tend to increase the general dissatisfaction, so often mentioned in this debate, and subject us to hazard there is no occasion to run, did we content ourselves with proceeding in the common methods, which the usage of many ages does justify. For these reasons I am against committing the bill.

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Sir *Robert Raymond** spoke likewise against the bill as follows:

Mr. Speaker, I am very sensible under what disadvantage I must speak after so long a debate. I will therefore endeavour to contract what occurs to me on this subject, and to avoid repeating what has been said before by other gentlemen. And in what I have to offer I shall observe this method; I will first consider the arguments that have been used for this bill, and then give my reasons why I am against it.

The arguments for the bill are, I think, chiefly these: the expences in elections. The animosities and divisions made and continued by triennial elections, the advantages our enemies may take of these animosities and divisions, and the encouragement, I think no gentleman has spoke plainer, that this bill will give to our allies to treat with us, and to enter into proper alliances, for our mutual benefit and advantage.

As to the expences in elections, it must be acknowledged that they are grown very scandalous as well as grievous and burthensome to the gentlemen of England. They have increased upon them, not from the contests of neighbouring gentlemen with one another, but from strangers, by what influence or direction I cannot tell, coming to their boroughs, who have no natural interest to recommend them, nothing but bribery and corruption, which has put gentlemen under the necessity of great expences to preserve their interests, and serve their country. And you must give me leave to add, that another cause has been, the impunity that bribery and corruption have met with in this House, when they have been very notorious, and very fully detected. But, I fear, this bill can be no cure to that evil, it will rather increase it, for as the term of the continuance of a parliament is prolonged, so the expences will increase with it. An annuity for seven years deserves a better consideration, than for three; and those that will give money to get into parliament, will give more for seven than for three years. Nothing will so effectually prevent expences, as annual parliements: That was our ancient constitution, and every departing from it, is usually attended with great inconveniences.

As for our animosities and divisions, I am sorry there are any, but cannot believe this bill will be a remedy for them. The animosities and divisions raised by elections are of a private nature, and little affect the public; those that do, are otherwise to be accounted for, which might have been extinguished; but the opportunities have been neglected, and I wish some persons have not studied rather to continue and increase them, than to extinguish them. I will speak plainly on this occasion, I think the greatest animosities and divisions, the greatest discontents and uneasinesses now among us, have been owing to the unreasonable resentments, avarice, and ambition of some, and to the unaccountable folly and madness of others.

That our enemies will take advantage of our divisions, is not to be doubted, if it is in their power; but I must observe, that since the Triennial act passed, there have been ten several parliements called, most of them when you were actually in war, your animosities and divisions great, and your enemies vigilant; yet no inconveniencies followed, nor were any, as I have heard of, so much as attempted at the times of those elections.

The last of the arguments I have recited, is the encouragement this will give to your allies to enter into treaties with you. No one says they want this encouragement, no one says they ask it; so that I may conclude this is only a pretance. I should be sorry we had such allies as would not treat with his majesty without our giving up our constitution. Should the like be asked of them, they would certainly entertain such a proposition with the contempt and indignation it deserved. But what you are now going to do, instead of strengthening the king's hands, will, I am persuaded, lessen him in the opinion of his allies: for this is proclaiming to the world, that he dares not call a new parliament: that he dares not trust the people in a new choice. Besides, not daring to call a new parliament, carries along with it a supposition to the dishonour of this House: for it supposes that another House of Commons would act differently from the present: which is to confess that this House does not truly represent the people; that they and their representatives are of different minds; and that if they were to chese again, they would chuse men of other principles, of other sentiments.

I will not trouble you farther with answers to the arguments for this bill; those against it, that weigh most with me, are these: That frequent new parliaments are our constitution; that a long parliament is plainly destructive of the subjects just right, and many ways inconsistent with the good of the nation. Is it reasonable any particular men should for a long time engross so great a trust, exclusive of others; can it be of advantage to the public, that the counties, cities, boroughs, should be long confined to those they have once chosen, their interests admitting of great variation in length of time?

Frequent new parliements are our constitution, and the calling and holding of them was for many ages the practice. Before the conquest, parliements were held three times every year, at Christmas, Easter, and Whitsuntide. In Edward the 3d's time it was enacted, "That parliaments should be holden every year

* "One of those many eminent men who have risen to the peerage from the profession of the law. He was Solicitor General to queen Anne, Attorney General to George the 1st, by whom he was appointed one of the Commissioners of the Great Seal and Chief Justice of the King's Bench; in which station he died in 1732." Earl Orford's Noble Authors.

once, as often as need be.' This must be understood of new parliaments, for prorogations and long adjournments were not then known, they were never heard of till later years. They began in Henry the 8th's time, that prince and his ministers knowing long parliaments were best fitted to make great changes. They were therefore inventions when extraordinary things were to be done, when what was then the church was to be altered, and the church lands to be taken away. There is nothing of this sort now, I hope, intended From that time our histories tell us, that whenever the same parliaments were long continued, or the meetings of parliament long discontinued, they gave great uneasiness. In the unfortunate reign of king Charles 1, there had been an intermission of parliaments 12 years, which produced an act in the 16th year of that king ' For the preventing the inconveniences happening by long intermission of parliaments.' That act, in the preamble recites the law made in the reign of Edward 3, ' That parliaments ought to be held every year once; but that the appointment of time and place belonged to his majesty and his royal progenitors: And that it had been found by experience, great inconveniences and mischiefs had happened to the king, and to the commonwealth, by not holding parliaments accordingly ' And for the prevention of the like for the future, it enacts, ' That the said laws shall be strictly observed; and that in case there be no intermission of the sitting of parliament for three years together, if there is a parliament in being, that parliament shall be dissolved,' and very extravagant powers were given for the calling and assembling of another: ' And every such parliament was ' not to be dissolved of 50 days, without their own consent.' This extraordinary step was soon followed by an act intitled, ' That the parliament should not be dissolved, prorogued ' or adjourned, but by act of parliament; nor ' the Houses of Parliament adjourned but by ' themselves respectively.' I need not be particular in recounting the consequences of this act of parliament; for every one knows, that set of men, when they had thus continued themselves, never stopped till they had murdered the best of princes, and entirely subverted our constitution both in church and state.

Soon after the Restoration of king Charles 2, the act for the preventing the inconveniences happening by the long intermission of parliaments was repealed, because derogatory to the prerogative, and because it might be an occasion of many mischiefs and inconveniences, and endanger the public peace and safety; but at the same time it is declared and enacted, ' That because, by the ancient laws and statutes, parliaments are to be held very often, ' the sitting and holding of parliaments shall ' not be intermitted above three years at the ' most.' This law not having been so well observed, as it ought to have been at the Revolution in the Convention Parliament, when it was thought necessary to declare the rights and liberties of the subject, after many breaches had been made upon them, it was, among other things declared, ' That parliaments ought to ' be held frequently ' And what follows in that act is very strong, for it declares and enacts, ' That all and singular the rights and liberties ' asserted and claimed in the said declaration, ' are the indubitable rights and liberties of the ' people of this kingdom, and so shall be esteemed, allowed, adjudged, and taken to be; ' and all the particulars thereof shall be firmly ' and strictly holden and observed, as they are ' expressed in the said declaration ' The right claimed and asserted, is, ' That parliaments ' ought to be held frequently ;' And soon after a new parliament was called, which sate annually: But this was not looked upon to be a complying with the right claimed, and therefore, after that parliament had sat three times, in the fourth session it was thought necessary to come to a farther explication, and a passed both Houses, but was rejected by the throne, ' For the frequent meeting and calling ' of Parliaments.' Others were attempted in the next session, and it is well known how they came to miscarry in this House; but in the succeeding session, a Bill passed both Houses, and had the royal assent. That is the act this bill is to alter: But before it is altered, I hope it will be shewn, that what is asserted in the preamble, is mistaken, and has proved otherwise In the preamble two things are asserted, ' That by the ancient laws and statutes of the ' kingdom, frequent parliaments ought to be ' held; and that frequent new parliaments tend ' very much to the happy union and good agreement of the king and his people' The first proposition is incontestable; and the latter, I think, will not be denied; for frequent and new parliaments create a confidence between the king and his people, a very necessary step towards an union and good agreement. If the king would be acquainted with his people, and have more the hearts of them, this is the surest way; and I am persuaded this House will never consent to any thing that may prevent the one, and intercept the other.

I cannot entertain so unworthy a thought of this House, that any gentleman in it would at this time, in direct terms, be for perpetuating themselves; yet if they consent to this bill, I shall reckon they are doing it; for though it only prolongs this parliament for seven years, I cannot doubt but hereafter there will be another for continuing it longer; because, before the end of this term, the reasons will probably be stronger for it, than they are now; Neither can I imagine that gentlemen are afraid to trust the people's choice again; Do they think that the great and memorable things this parliament has done for the service and benefit of their country, will make them less acceptable to the people? No one will say so; and then I see no reason why they should be for making this alteration in our laws and constitution, which will certainly have a very ill effect upon the minds of the people; For they will be

ready to say, and with reason, that after the expiration of the three years, you are no longer their representatives, because they chose you to serve them no longer. With great submission I speak it, in my poor opinion, King, Lords, and Commons can no more continue a parliament beyond its natural duration, than they can make a parliament. I know in extraordinary junctures, conventions have been turned into parliaments: but it has been thought advisable soon to determine them, and to pass acts in the subsequent legal parliaments, to confirm what they have done. And I make no doubt, but if this bill passes into a law, and this parliament is continued more than three years, there will be an act in the succeeding parliament to confirm whatever shall be done after the three years. There is an instance in your statute-book, where all the acts of a parliament were declared void, and repealed, because the parliament was unlawfully summoned, and the members not duly chosen.

I need not urge farther, that the wisest governments that have preserved a face of liberty, have never continued those long, with whom they have intrusted the supreme power. That by this bill, you have all the mischief of a long parliament, without any of the good of a short one. That a standing parliament and a standing army are convertible, and only necessary to support one another. And that there can be no occasion for this bill at this time, because this parliament may have two more sessions, if the king pleases. But as I have already taken up so much of your time, I shall only add, that for the reasons I have given, I am against committing this bill.

*Mr. Archibald Hutcheson,** spoke against the Bill thus.

Mr. Speaker, I cannot content myself in the great question now before you, to deliver my opinion barely by voting in it, for I think it of that importance to the nation, to deserve and need the most thorough examination. I heartily wish it might have had a much longer time of consideration, than I perceive gentlemen are disposed to give it; but since we are entered on the debate of it, I shall endeavour to express my thoughts about it with great plainness and freedom.

My present opinion, Sir, according to the best judgment I am able to form, is, that if we should give our consent to the passing of the bill before us into a law, we should be guilty of the most notorious breach of the trust reposed in us, by those who sent us hither, and should make a very dangerous step towards the undermining of that constitution, which our ancestors have been so careful to preserve, and thought no expence, either of blood or treasure, too much for that purpose, and under which we do yet enjoy those privileges and advantages, which no other nation in the world can at this day boast of.

This is the light in which the bill yet appears to me; and therefore if I did believe what some gentlemen do, That it would be conducive to several good ends, yet that would not be sufficient to gain my consent thereto; for I cannot think those ends, however desirable, equivalent to such a price, as that of giving up, or even making a dangerous advance towards the giving up entirely, the British Constitution. Much less would I give my consent to such a law, when I am of opinion, That it would be so far from contributing to the ends pretended to be aimed at thereby, that it would have the direct contrary effect: and if we are not to do evil that good may come of it, surely we must not do evil, only to bring mischief upon ourselves.

These are my reasons against the bill, That our consent to it would be a breach of trust, and a dangerous breach upon our constitution; and that, if it were not liable to this objection, That yet it would serve to purposes directly contrary to those pretended to be aimed at, by gentlemen who are for the bill; I shall endeavour to explain myself in these points.

Give me leave therefore to mention, what appears to me to have been the ancient constitution of parliament, and also how the same has been and stands changed at this time, with relation to the matter which is now the subject of our debate. I believe it will, nay, it must be agreed, That before the reign of Henry 8, there was no single instance of a prorogation of parliament: That parliaments had only one sessions, and those generally very short ones, none of which ever lasted a year: That to prevent the mischief of long intervals of parliament, it was enacted in the 4th year of Edward 3, That parliaments should be holden annually, and this was confirmed by subsequent acts of parliament. and therefore I may venture to affirm, that by the ancient constitution, parliaments were to be holden frequently, and to be of the continuance only of one sessions, and that there was no right or power in the crown to prorogue the same. I say, this I can affirm, on the same foundation, and with as strong reason, as I can affirm, That the eldest son, after the death of his father, shall inherit, as heir at law, the lands in fee-simple; or that the youngest son shall inherit, where the custom of Borough-English prevails; or that all the sons shall equally inherit the lands of Gavel-kind; or, indeed, as I can affirm of any part of the common law, or the particular usages of the kingdom; for these are supported only by constant practice and prescription immemorial; and they neither need nor can have a stronger support than this; for surely of all laws, those must be allowed to carry with them the strongest evidence of justice, which have been always submitted to, without any change or alteration.

* Member for Hastings. See the Petition from that town and port, against the Bill, at p. 309. Printed [illegible] of the Lords Journals [illegible]

The application is obvious to the point in debate, I mean as far as the reign of Henry 8; and if at that time this was the constitution of parliament, it will not be easy to shew how the same has been since legally changed; but I shall speak to this more fully, after I have answered an objection which has been made. It has been said, 'That it is no 'proof that the crown had no power to pro-'rogue parliaments and to continue the same 'parliament for several sessions, although there 'were no instances thereof until the reign 'of Henry 8.' If this objection have any weight it will equally hold against any other part of the common law, which hath hitherto remained uncontested: for may not the younger sons, in this way of reasoning, say, That although there be no instance, that any of them have hitherto claimed to inherit, equally with the eldest, the lands in fee-simple, that yet is no proof against their right of making such a claim, and having it determined for them. And if such a case should be brought into Westminster Hall, it is evident, that there is no act of parliament which settles the point, nor any preceding resolution, because the matter was never in question before; and yet surely no gentleman will affirm, that the judges would be at liberty to determine this as a new case, whatever equity they might conceive in the pretensions of the younger sons, but would be strictly tied to adjudge according to the constant and uninterrupted usage. And had the Lords and Commons, when the first attempt of proroguing was made upon them, insisted, that the crown had no such power, and the opinion of the judges had been required therein, it was impossible that they could have determined otherwise, than according to the constant usage, or that they would have adjudged such an original power in the crown, which had never been exerted, from the earliest mention which our records, or history, make of parliaments, to that very day, or that they could have conceived it possible, that the crown could have had such a power, and yet never asserted it in one single instance, in the course of so many hundred years.

If the facts I have mentioned are, as they appear to me to be undeniably true, the inference I shence make is next to a demonstration; and I may venture to add, That there is no part of our laws built on a more solid foundation, and supported with stronger reasons, reasons which must eternally have the greatest weight, and make the deepest impression on the minds of a people, who have any sense of liberty; and, thanks be to God! we are yet a free nation. For without the frequency of parliaments, the opportunity of redressing those grievances would be lost, which more or less have happened in all reigns, from the influence and administration of evil counsellors, and wicked ministers, who will always prefer their own private interests and sinister views, to the honour of their prince, and welfare of their country: and it is to the dread which such impious monsters have always had, I hope, will ever have, of the just vengeance of a parliament, that we hitherto owe the preservation of our liberties; for, had the times of being called to an account to parliament been at any considerable distance, the attempts of bold and daring state would have had no curb; and indeed it is but one step more, and that not difficult, from a long to the entire disuse of parliaments, and resolving the government into an absolute monarchy; but I will urge this point no farther, because I believe it will be generally allowed; and that, whatever might be the private opinion of any particular person, no Briton will be yet so hardy, as to declare himself against the necessity of frequent parliaments.

I wish, gentlemen would as generally concur, that the other part which I have mentioned, and I think have made appear, to have been our ancient constitution, were as absolutely necessary to the preservation of our liberties, I mean parliaments of one session, not only frequent, but frequent new parliaments. The thing indeed appears very evident to me; so evident, that in my poor opinion, our liberties would not be more, may not so precarious under an absolute monarch, as with a House of Commons who had right to sit either for many years together, or without any limitation of time; for it is certain, that a prince, who had stood only on the bottom of his own absolute authority, assisted with a few ministers and some troops, would still think himself pretty much upon his good behaviour towards the united body of his people; and would (probably) be cautious of exerting his power in such a manner, as to give a just provocation to a general revolt, and setting up another in his stead; but a prince with a parliament at his devotion, would be infinitely more terrible, and with much greater security, might give a loose to every extravagancy of power; for when the representatives of the people, who are chosen by them to be the guardians of their liberties, can be prevailed on, for little advantages to themselves, to betray their trust, and come into all the measures of a designing ministry, it is then, indeed, that the liberties of a people are in the most imminent danger; and surely, there is great reason to apprehend, that a House of Commons might soon become very obsequious to a ministry, if they were to sit for a long period, or without limitation, and that there were no near day in view of a new election, when the conduct of gentlemen in this place would be enquired into in their respective countries.

I believe it will not be denied, That it is very possible for a ministry, by pensions and employments to some, and by the expectations raised in others, and by the corruption of electors, and returning officers, to obtain a very great majority, entirely and blindly at their devotion, even at the very first meeting of

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a parliament, and that by a committee of elections and other proper helps, their party may daily increase; and that such a parliament may be so far from protecting the liberties of their country, or from being a terror to evil ministers, as to become themselves the tools of oppression in the hand of such a ministry, and by their authority, to consecrate the worst of actions, to declare every honest patriot, who has the courage to attempt to stem the tide of wickedness, and to stand up for the liberties of his country, to be its greatest enemy; and those who are ready to give it up, to be the only true friends of our constitution; and if this should ever happen to be our case, I beg gentlemen to consider, Whether a greater curse could fall on any people than to have such a parliament as this entailed upon them.

I remember very well, what an outcry was raised against the last parliament, on a suspicion only, that a repeal of the Triennial Act was intended, and the arguments against it without doors, were then the very same with those which are now urged against it within. What an inconsistency must it then appear, to see those very gentlemen, who were then the most zealous opposers of such an attempt, become now the most violent advocates for it? And will it not also in some measure affect their integrity, publicly to own, that the arguments they pretended to be then influenced by, had not the least weight with them, and that the thing in itself was very desirable, when there should be a good ministry and parliament in being, and pernicious only in the then situation of affairs? It was not certainly from this consideration, that the late ministry and parliament were diverted from the attempt. They, doubtless, had a very good opinion of themselves, and were confirmed therein by the voice of a great majority of the people, and which, by almost strange and inaccountable witchcraft, still continues in their favour, if I may depend upon what several who have argued for the bill seem to have agreed to.

I must beg gentlemen to consider, that the mischief I have mentioned, will be no ways prevented by the present posture of our affairs; for though we may have now a good ministry and parliament, their continuance, notwithstanding the intended law, will still depend on the pleasure of the prince; for I do not perceive that any gentleman will move for a clause to continue the ministry for life, or that the parliament shall not be dissolved without their own consents; and if, by ill advice to his majesty, a change should happen, may it not so fall out, that a long continuance of a new ministry and parliament, may be of infinite prejudice to the nation: Surely, therefore, it will be wisdom, in the making of this, or any other law, not to consider some little present convenience, but the general and obvious tendency of the same. I therefore think that I am yet warranted to say, and shall say it, till I am convinced that I have mistaken the matter, That frequent new parliaments are the ancient constitution; that until the reign of Henry 8, there was no stronger evidence for any part of the common law, than there was for this part of our constitution; and that the same was built, and stands upon as solid a foundation as any law ever did, or can do, being absolutely necessary and essential to the liberties of a free people.

It is true, Henry the 8th, in the 21st year of his reign, prorogued the parliament, which was the first instance of this kind, and succeeding princes have, more or less, continued the same practice; but I can in no wise agree, to what some gentlemen would thence infer, That the crown had always a right to do so, for I think I have made the contrary very evidently appear; and that until the 21st of Henry the 8th, no part of our common law was better established than this ancient English constitution of frequent new parliaments; but it is remarkable, that this having been the first instance of a prorogation, it was thought convenient to strengthen the further continuance of that parliament by adjournment also: If the crown, before the time I have mentioned, had not the power of continuing the same parliament by prorogations; it will not be easy to shew, how they have come legally by it since: Sure I am, that there is no act of parliament which vests any such power in the crown, and prescription immemorial is not so much as pretended to. The short of the matter seems to me then no more than this: A very arbitrary prince, the better to serve the ends he had then in view, boldly invades the liberties of his people, and usurps a new prerogative, unheard of before; That parliament tamely submits thereto, either out of fear, or for other reasons; perhaps they were pleased with a longer continuance, and the agreeable prospect of sharing in the advantages of laws, which they were afterwards to make, I mean, the dissolution of abbies, and although thereby the foundation of our happy Reformation was laid, yet that is entirely owing to another cause, and in no wise to the pious intentions, either of that prince, or of that parliament. This new prerogative was at first used with much caution, and thereby the fatal tendency thereof was not so soon discovered; and when the possession of this power became strengthened in the crown by a continuance of time, and the acquiescence of the nation, it was much more difficult to get rid of the innovation, than it was at first to have prevented the same; and it has been, I presume, thought more prudent to continue our acquiescence, whilst the inconveniences were in any measure supportable, rather than to endeavour to retrieve this most valuable part of our ancient constitution by force of arms, although this remedy hath been resorted to frequently, and on much slighter occasions in my opinion.

But I cannot see, that from a power so assumed, and so continued, it will follow, either that the ancient constitution was so, or that it ought to be so at this day, and I must say, that whatever arguments can be brought to support that doctrine, will equally justify the

exercise of any other part of arbitrary power; for upon the starting up of any new prerogative, it is but saying, That the crown had always a right to it, although it was never claimed or exercised before; and there may be parliaments complaisant enough to acquiesce therein, which perhaps might be ashamed, by a new express law, barefaced and unmasked, to give up the liberties of their country; and I do not see, but that this would be as good a commencement for any new prerogative, as the power of proroguing at first had. Let gentlemen consider, what the ancient laws of England were, in the matter of imprisonments, and what the practice was for some time before the act of Habeas Corpus. I hope there is no Briton so abandoned to the notions of slavery, as to affirm, that it ever was by the laws of England, in the power of the prince to imprison any of his subjects during his will and pleasure, and without any reasons assigned: They were to be imprisoned, only, when legally charged with crimes, and were either to be tried for the same, or released from their imprisonment, in a reasonable time; and as to this, the act of Habeas Corpus was not introductive of a new law, but declarative only of the old; this is so essential to the being of a free people, that it must be agreed, that our law was always thus: I am sure, without it, our condition would differ little from the slavery of Turkey; for the bow-string itself, a speedy death, is mercy, when compared to a lingering confinement. And yet it is certain, that before the act of Habeas Corpus, the good subjects of England were sometimes thus arbitrarily and illegally imprisoned, to gratify the avarice, ambition, malice, or revenge of evil counsellors and wicked ministers, and the advocates for prerogative did as strictly insist on the legality of this power, as they did on any other which was claimed by the crown. I cannot indeed tell how long this power of arbitrary imprisoning had been exercised, but I am apt to believe it may vie for antiquity, with the power of proroguing parliaments.

I must also put gentlemen in mind of the prerogatives claimed and exercised by king James the 2d, to dispense with the laws, to commend our bishops and clergy to read in their churches his illegal proclamations, and to suspend and imprison them for disobeying, with many others of the like kind, which are recited by the Claim of Rights; and it is certain, that had we not been rescued by the Revolution, all these and many more, had been good prerogatives at this day, and might have been all of them supported with as good arguments, as any can be used for the power of proroguing in the reign of Henry the 8th; and some of them with as good, nay, with the very same arguments as are used for the legality of the power at this very time. I hope therefore we shall be very cautious of admitting such arguments, as tend naturally to support all extravagancies of power whatsoever, and so let in upon us an inundation of oppressions.

In the late reigns, and in particular by the long Pensionary-Parliament, in the reign of Charles the 2d, the nation became very sensible of the mischievous consequences, which had already happened, and the more fatal which might still result, from the dangerous breach which had been made in our ancient constitution: It was now evident to the meanest capacity, That a designing prince, who, with the assistance of a wicked ministry, should be able, after several trials, at last to procure a parliament to his purpose, would have the liberties of his people entirely in his power, and might govern them at pleasure; from which state of slavery it was evident, that nothing less than a revolution could rescue them; and if they failed in that experiment, that then their chains would be riveted for ever. Under this melancholy prospect of affairs the nation groaned, and complaints were heard in every corner of our streets; and even the very pensioners in that parliament, were not arrived to such a pitch of impiety, as to take pleasure in the drudgery they had engaged in, but acted with reluctancy and remorse, and as we have been very lately told in this place, betrayed the cause they had so wickedly espoused, and frequently gave notice to the friends of England, of the attempts which were to be made on the liberties of their country. This Pensionary Parliament was at last dissolved, but on what views, and by what advice, I will not pretend to say. Certain it is, that that prince never had it afterwards in his power, in a parliamentary way, to destroy the liberties of the people. The resumption of charters was then put in practice, with many other expedients, towards the establishment of an absolute monarchy, which had been long in view; But by the death of that prince and the unskilful conduct of his next successor, an end was put to those designs for that time, the people having unanimously applied the only remedy in such cases, and this brought about the late happy Revolution.

I have been often surprised, when I reflected how wanting we were to ourselves upon that turn, in not retrieving and securing for ever, by the Claim of Rights, our ancient constitution of frequent new parliaments, which, in my poor opinion, was much more valuable than all that we claimed besides; but are obtained this in part, by the act passed in the 6th year of the reign of king William, and which the bill before us is intended to repeal; for by that act, we are to have new parliaments, at least once in three years; and even this is such a security to the British liberties, that all the objections against triennial elections are but very trifles, when compared with that. Therefore I am not a little surprised, when I hear gentlemen say, That the Triennial Act is a new constitution, and that the repeal intended thereof, will be but restoring the king in part to his prerogatives, and setting the constitution a little nearer to what it anciently was; surely there is nothing further from the truth of the fact:

The ancient constitution was, at least, annual new parliaments, and this was broke in upon, and that breach afterwards continued in the manner which I have already set forth: and by this act we have no new privilege granted, but only restored in part to those which we always had a right to. But were it in reality a new grant: Shall we give it up only to enlarge the prerogatives of the crown? May we not, in the same way of reasoning, give up the Habeas Corpus act, and all the other privileges and immunities, which have been obtained to the people from the crown, from the date of Magna Charta to this very day? This surely has not been the good old way of reasoning in this place, and I presume, it will meet with due discouragement at this time. I hope we shall, on this and all other occasions, acquit ourselves like Britons, and not give up, in complaisance to any ministry, the smallest, much less the greatest and most valuable privilege of those we represent; and that we shall have the utmost caution to making any step, that may have the least tendency towards that slavery, from which, at the risk of a revolution, and the immense expence of blood and treasure, we have so lately rescued ourselves. I hope yet to live to see the day, when our present gracious sovereign king George the 1st, will have the glory to complete the entire restoring of our ancient constitution, to which his predecessor king William the 3d, both made such a considerable advance; and that instead of triennial, we shall have annual new parliaments. Then indeed the British liberties will be founded on a rock, which the machinations of the worst ministries will never be able to prevail against; and the crown will be frequently and faithfully informed of the sentiments of the people, and be thereby enabled to preserve with them that confidence and good correspondence, so absolutely necessary for the happiness of both: To this I may add, that the inconveniencies from triennial elections, will thereby be much more effectually redressed and cured than ever they will be, by passing the bill before us into a law. Upon the whole therefore, I shall take leave to affirm, That we have at present an undisputable right to triennial new parliaments, and a very just claim, for I know of no law that has deprived us thereof, to annual elections.

But I have something to urge, as to the breach of our trust in the passing of this law; it is agreed on all sides, that whatever the ancient constitution might be, yet we were chosen when the law for Triennial Parliaments was, as it is still, in force; and that we were, and could be chosen only for the term of three years, if his majesty should think fit to continue us so long, therefore to continue ourselves for a longer term, would be a manifest deceiving of those who chose us, who expected, and could not but expect, at the end of three years to have the opportunity of a new choice, and to alter where they found themselves mistaken. It would also be a very great injustice to many thousands of others, who have a right to offer their service to their country, and who, for the honor of the nation, I am willing to hope, are in all respects equally qualified for the service with us, who have at present the honor to fill those seats.

If this bill were to enlarge only the continuance of future parliaments, I should give my negative to it for the reasons I have already mentioned, and yet to that case the electors would have a fair warning for what time they were to chuse, and those elected, would be truly and properly the representatives of the people; which I conceive cannot be said with truth of the present Parliament, if they should be continued beyond the three years: this, to me, is an insuperable objection against this part of the bill; for if we may add four years to our present term, may we not add forty, may we not make ourselves perpetual: or even extinguish parliaments themselves? Nay, what is it which we may not do, or, after this step, what is it which the people of Great Britain may not apprehend that we will do? Can we do any thing much worse, than to subvert one of the three estates of the realm, and to substitute a new one in the place thereof, and instead of a House of Commons by the choice of the people, as it always has been, and ever ought to be, to establish a new kind of House of Commons, and till now unheard of, by act of Parliament?

The great partiality which all parties in their turns have shewn in the determination of elections, has been too long the general complaint, and one of the greatest blemishes on the justice and conduct of the House of Commons; and it is certainly a crying wickedness, and a most dangerous practice, therefore I am willing to hope that we shall not, by giving our consent unto the bill before us, out-do all that ever was done of this kind by former parliaments. They have chosen only 30 or 40 members for some particular places, which is a trifling peccadillo to what is now attempted, I mean the chusing of 558 at once, for the whole nation.

It has been said by some who have spoke in the debate, 'That we are chosen with full 'power to consent to such laws as we shall 'judge for the benefit of the nation; that there 'are no restrictions or limitations in our pow-'ers; and that therefore we may pass such new 'laws, or repeal such old ones, and the Trien-'nial Act, as well as any other, as we shall 'think expedient; and that by a repeal of the 'Triennial Act, we shall, after the three years, 'still continue to be the representatives of the 'people by virtue of their former choice, with-'out any new election for that purpose.' This appears to me to be a plain begging of the question, and a very fallacious way of reasoning. I constitute a person my attorney, with very large and general powers for the term of three years, and, no doubt, what he shall do pursuant to those powers, during that term, shall bind me, but what he shall afterwards do is void; and it cannot be said, that by the general words of doing all acts and things in my name, that he is

enabled to add four years more to the continuance of his power. I know there are great disparities between such powers, and those given by the people to their representatives in parliament: but yet I think, that to the purpose I intend it, the parallel will hold. I will readily agree, that the powers given by the people to their representatives are very large, but I can by no means go the length of some gentlemen, to think them absolutely unlimited, or that such ill use may not be made of this power, as to amount to a forfeiture thereof.

Our histories are full of instances, and we have a very late one, that kings themselves may be guilty of such an abuse of their power, as to forfeit the same, and give the people a right to a new choice, and it will not, it cannot be said, that the immediate creatores of the people, who have no presence to power, but by delegation from them, are more absolutely their masters, or more independent than the crown itself. pray consider, whether we can be guilty of a greater provocation to those we represent, than to deprive them for any time of being represented by their own choice, and to change the ancient third estate of the nation, into a new invented one, unknown to former ages; and whether they will think a little sophistry, and a few finesses of arguments, a sufficient reparation for an injury of so high a nature.

But I have a much stronger objection against this part of the bill, and cannot help being yet of opinion, that it it should go through all the forms of an act of parliament, pass both Houses, and have the royal assent, that it will still remain a dead letter, and not obtain the force of a law; for I am warranted by one of our greatest lawyers to affirm, 'that an act of parliament 'may be void in itself,' and if there are any cases out of the reach of the legislature, this now before us must be admitted to be one; for what can be more against common sense and reason than to be a *felo de se*, to destroy that constitution, or any essential part thereof, upon which our existence in our political capacity depends. I am also supported in this by the authority of learned divines, I shall mention but one, and I speak it for his honour, the present bishop of Bangor, who has unanswerably made it evident, 'that all people have natural 'rights, and that a free people have legal ones, 'which they may justly maintain, and which no 'legislative authority whatsoever can deprive 'them of.' And can a free people have a more valuable right, than that of being fairly and frequently represented in parliament, by persons of their own chusing? This surely is a right as valuable as liberty itself, being absolutely necessary to the subsistance and continuance thereof.

For the sake of those gentlemen who seem so very fond of the unlimited power of parliaments, (and by which only they can support the validity of such a law, as the bill before us is intended to introduce) I shall mention some cases, to which they themselves will agree, that this unlimited power doth not, cannot extend. As for instance, suppose, instead of the bill before us, we should pass a law, as was done in the reign of Richard the 2nd (the worst prince that ever sat upon the English throne) that the power of both Houses should be vested in twelve great lords! or, as was done in the reign of Henry the 8th (the first prorogucr of parliaments) that the king's proclamation, with the consent of the privy council, should have the force of law. Or, as in 1641, that the parliament should not be dissolved or prorogued without their own consents: such laws as these, through oppression and violence, have been for some time submitted to; but surely no gentleman will say, that they ever were, or should they be now re-enacted, that they would be legally in force; for if so, the parliament of 1641 is still in being, for I never heard that they gave their consents to their own dissolution.

I will suppose one case more, which has never happened, and God forbid it ever should! that an act of parliament should pass to vest the whole legislative authority in the single person of the prince, to cloath him with an absolute dictatorial power, to extinguish for the future both Houses of Parliament, and all other rights and privileges of the people, and to put all things hereafter intirely into the power, and to be disposed of at the will and pleasure of the prince. I am sure no true Briton will ever say, that such an act of parliament as this would have the least validity or force, or be any wise binding on the people; I am sure it would not, but instead thereof would, in due time, expose the authors of it to the vengeance of an injured nation; which I think is a full proof of what I have affirmed, That the powers given by the people to their representatives, are not absolutely unlimited; nor the power of the parliament itself so omnipotent, as some are willing to suppose it. I therefore hope no one will endeavour to support this bill by such arguments as will equally support the cases I have mentioned, and lead us into the most dangerous and unwarranted paths; and on this occasion I shall take leave to put gentlemen in mind, that France, Denmark, and Sweden were formerly free nations; and what their present situation is, and how they have been reduced thereto, is too well known to need to be repeated.

I have been often much surprised at the boldness of the Roman clergy, in introducing the doctrine of Transubstantiation, how they could have hoped to prevail with their good subjects the laity, to believe so monstrous an absurdity, and did not rather dread that it would stagger their obedience, and occasion a general revolt. But our histories inform us, That this was done in an age of the grossest ignorance, and of the greatest corruption of manners; A proper season for such an undertaking! Accordingly the Popish clergy laid hold thereof, well knowing, that if they succeeded in this, their empire was secured, and implicit faith, without reserve, would be thereby for ever established: it being evident, That if this prodigious camel was once swallowed down, it was impossible after-

wards that any thing could stick. I cannot suppose, nay, it were monstrous to suppose, that our present virtuous and uncorrupt ministry, can, by the passing of this bill, have any design in view parallel to that of the Romish clergy, to plain thereby the way to some other laws, which may be thought necessary to the full establishment of their power. No certainly, they are too well satisfied of the uprightness of their conduct, to stand in need of any indirect supports, and too penetrating, to think they could obtain them in a parliament, where the majority are so entirely independent of them, and who, in the present and former parliaments, have approved themselves champions for the liberties of their country: Besides, the present is so far from being an age of the grossest ignorance, that never was learning at so high a pitch, nor men arrived to so noble a way of free thinking, that our motto may justly be, 'Nullumus jurare in verba magistri:' We scorn the musty savings of antiquity, and will in nothing be pinned down by the dictates of the learned, of this or of any other age, therefore it is impossible to suppose any such design in the bill before us, and yet I am very sorry it hath been attempted, and hope it will never pass, for the reasons I have already mentioned; and also lest it should give too great a handle to people without doors, to entertain untoward jealousies, and surmises, who may be apt to say, That those who can compliment a ministry with such a law, can never afterwards refuse them any thing.

I shall, on this occasion, put gentlemen in mind of the great debt with which the nation is incumbered, a burthen which is almost become insupportable, and ready to crush us into ruin, and yet, to our great misfortune, instead of diminishing it is daily increasing. I have long observed the fatal methods by which this mischief was brought upon us. I was indeed in great hopes, that the putting an eternal stop to the farther increase of our debt, and the settling the most proper measures for the lessening thereof, in such proportions as in a reasonable time might entirely discharge the same, would have been the very first work of the present parliament, as it was the most valuable for the interest of the nation; but I am sorry to see it has hitherto given way to so many other considerations, which, how important soever, they may be thought, I will be bold to say, when compared to this, are but like the tything of mint and cummin, to the weightier things of the law. Surely something must, and very soon too, be done in this matter; for I am persuaded no men can be so wicked, as to entertain a thought of declaring the nation bankrupt, and paying off this debt with a spunge to the utter ruin of thousands of families; and as little can I suppose any man so stupid as to sleep securely, whilst the liberties of his country, and thereby his own, and the property of every single person in the nation, is in the most precarious situation; for, should we, loaded as we are, be engaged in a new war with any powerful enemy, must we not either submit to all the unreasonable impositions of such an enemy, or find some extraordinary means to support such an expensive war? Will it not therefore be our wisdom to put our affairs, as soon as possible, on such a foot as to make the second part of the dilemma practicable, without referring to so black an injustice as that I have hinted at, either of spunging out all our past debts, or at least of borrowing the funds for the use of the public, during the continuance of such a war? This surely is a subject of such importance, that it will justify the speaking of it, either seasonably or not, nay, I think it never ought to be out of our minds, till something very effectual be done therein; but I mention it chiefly at this time, to divert gentlemen from passing the bill before us, and continuing the present parliament beyond the term of three years; lest what shall be afterwards done in so great and so good a work by this parliament, if continued, may be liable to objection, from the doubts which the nation may have of the legality of such a parliament; and for the same purpose I shall observe, that we seem pinioned down for a long tract of years, and indeed for ever, in the methods we proceed in, to a Land Tax of two shillings in the pound, and to the Malt, to support such a fleet, and such guards and garrisons, as in the profoundest peace, I presume, will be always esteemed necessary. The ancient revenues of the crown, applicable to these purposes, have long since been mortgaged and sold away, and if our present unhappy divisions, should for some time require a greater force, for the quiet and security of the nation, even in times of peace, it is easy to compute how much higher the aforesaid taxes will rise.

Let gentlemen seriously consider, whether it will not greatly increase the uneasiness of the people, under such heavy burthens, if they think they are laid upon them by representatives whom they never chose. For my own part, I dread the consequence of such a law, as that which we are now about, and doubt it cannot be long supported in any other manner, than those extraordinary laws were for some time, which I have already mentioned; and I am persuaded, it is far from the design of any in this House, that this law, if it pass, should be supported in that way; and to make a standing army necessary only to support a standing parliament; for to me they seem to be sister twins, which can only live, and must die together.

I have now given my several reasons against this bill, which appear to me so strong, as would engage my negative to it, were it even in some measure conducive to the ends which are pretended but much more when I am thoroughly convinced, that it is so far from promoting those ends, that if ever it pass into a law, it will have a tendency directly contrary.

It has been said, 'That three years is too 'short a time to effect any thing of great 'moment for the service and benefit of the 'nation: That the first session is generally spent 'and wasted away in the determination of

'elections; in the second something is done; 'but that the last sessions is usually as much 'lost as the first, gentlemen's minds running so 'much on the ensuing election, as to think of 'nothing else; and tha fear also of disobliging 'their electors, on so near a view of a new 'choice, becomes a very great bias to their 'conduct in parliament, to the prejudice of the 'public service; so that in this short term of 'three years, there is little more than the work 'of one year done.'

I am not a little surprised, that such assertions as these should be made use of as arguments against Triennial Parliaments; because it seems to me to be *protestatio contra factum*, as was said by a very great man of Dr. Sacheverel's speech. It is evident, that the business of the public was carried on for some hundreds of years by annual Parliaments only, and our histories for that time do not acquaint us with any complaints made of the shortness of their duration; And is it not most notorious, that there never were such great things done by any parliament, as by those which have been holden since the Triennial Act? Was ever a war so long and so successfully carried on before, and in which this nation bore so great a proportion of expence? Were ever sums so amazingly great, given by any parliament or parliaments before, in the like compass of time, as has been done by these Triennial Parliaments? I affirm, there has been more given by them for the supply of a single year, than was given in the whole reign of any of the predecessors of the late king William the third, and that the expence of the public service, since the Revolution, has amounted to more than it did from the first foundation of the English monarchy down to that time; and I will venture to add, that they were such supplies, as could have been raised only by parliaments of a short continuance; for it is not supposable, that the nation would have remained quiet under such heavy taxes, had the same been imposed by a long Pensionary Parliament, such as that of king Charles the second; but, when they were convinced of the absolute necessity of such supplies, from the concurring sentiments of frequent new parliaments, they were by this, and, by this method only, could have been disposed to the cheerful payment of the same, when this is seriously considered, I am persuaded that no gentleman will say, That Triennial Parliaments are incapable of doing great things, when it is true beyond the possibility of contradiction, that they have actually done much greater things than were ever done by parliaments before: Let us but compute what was done by the long Pensionary Parliament of king Charles the second, and what has been done in a like number of years by Triennial Parliaments, and then the preference will be easily determined: And surely arguments from matters of fact, and long experience, ought to be of much greater weight than those, which depend only on conjectural and ill-grounded surmises, and a fanciful way of reasoning. [illegible] never

I will agree, that much time is spent, not only in the first but in the second year, in the determination of elections, but if these were all, without distinction, left to the Committee appointed for that, it would not make so great a part of the business of the House, as it has of late years done: And if the right of election for the several cities and boroughs were unalterably fixed, and not changed from time to time, with respect to the petitioners and sitting members, the work, even of the Committee, would be greatly lessened. And I must say, That whenever gentlemen are in earnest disposed to cure this evil, it may be done to the honour and reputation of future parliaments, and to the saving more parts in ten of that time, which has of late years been consumed in the business of elections; and therefore, surely this inconvenience can be no objection against Triennial parliaments, which is not owing to that, but to very different causes; and which cannot possibly be cured by the repeal of the Triennial Act; but may be done, if not entirely, yet in a great measure, by proper provisions for that purpose.

As to the inconveniencies suggested to the third sessions of parliament, from the near approach of a new choice. It will be much the same against the second sessions, in which something of business is admitted to be done; for I see but little difference between the influence which the prospect of a new choice will have at the end of one, or at the end of two years. The objection therefore, as to this purpose, is altogether trifling; but I will agree, that it has its weight, if it be urged for the long continuance; and greater still, if it be urged for the perpetuating the present parliament; for then indeed, gentlemen would be freed from all anxiety about a future election, and would be under no restraints, nor have any bias on their minds from the sentiments of those who chose them; but surely it ought not to be thus, nor is this a compliment fit to be made to the electors of Great Britain, and is far from being a suitable return for the honour they have done us; and it is monstrous to suppose, that we should render ourselves disagreeable to the people, by a faithful discharge of our duty, and doing that which is best for the interest of the nation.

Surely we ourselves, in the first part of this our first sessions, notwithstanding all the time spent in the determination of elections, have been able to find time to give all the necessary supplies for the service of the nation; but perhaps we have made some discoveries in this age unknown to former ones, we have a glimpse of some light undescribed before, yet it will still be true, that this light has sprung up but very lately among us. And although this consideration cannot weaken the real strength of the argument, yet it lays it under the imputation of novelty, and will be a full justification of the integrity, if not of the sagacity, of those who shall persevere in their opposition to the bill.

As to the failure in the Triennial Act, of answering the expectations of the nation, it has [illegible] only [illegible] general terms, and I can-

nat easily guess at what is particularly meant; for it has certainly answered all the ends which, from the preamble of the act, we can apprehand to have been expected by the makers thereof, or which indeed, in the nature of the thing, could have been expected from it; for surely the grievance which had been felt, of a very long parliament, is thereby redressed, and the constitution of frequent new Parliaments, in part, retrieved, and brought nearer to what it anciently and originally was

As to the increase of bribery and corruption in elections, since the Triannial Act, it is impossible it can be owing to that law, or that it would be any wise diminished by a repeal thereof; and in fact, the increase of bribery and corruption in elections may have happened since that law, and yet be no wise a consequence thereof; it is contrary to common sense to imagine, that those who would purchase their seats in parliament, would give more for a triennial than for a septennial one, or for a continuance during life? or that such electors, who will sell their voices, have not arithmetic enough to proportion their prices, to the times they chuse their representatives for; therefore this objection against the Triennial Act is certainly very frivolous, unless something much farther be intended, than I believe any Briton has yet the courage to speak out, I mean, unless it be intended, before the expiration of the seven years, to add a farther term by another act, and so on; then indeed there is an effectual stop put to all future bribery and corruption in elections, and the last election which the people had, was to be the last they ever were to have.

This brings to my mind a very scandalous pamphlet, which came out a little before the election of the present parliament—I think the title of it is "English Advice to the Freeholders of England." This author takes great pains to divert the people of England from chusing a certain party of men, whom he unjustly paints in very black colours; and, amongst others, there is an expression to this effect: 'Do not 'give your vote for one of these people, what-'ever they may offer you, for depend upon it, if 'there should be a majority of them in parlia-'ment, it will be the last vote you will ever have the 'opportunity to give.' I am persuaded, it is far from the intentions of any gentleman here, to contribute to the credit and reputation of that author, by giving even a colour of probability to the truth of any of his predictions; and this I hope will also have some weight to prevent a repeal of the Triennial act; since that will have the air of the first bold step towards the fulfilling of this wicked prophecy; and the making use of the argument I have been endeavouring to explode, will not a little heighten the suspicion it being evidently of no force, in any other view, but that of carrying the matter to the length which this author has foretold. But surely gentlemen need not thus hint about either for the cause or the cure of bribery and corruption in elections.

On the late happy Revolution, when which our religion and liberties were preserved, we were unavoidably engaged in a very expensive war; and had it been carried on by supplies within the year, as it is evident it might have been, our war and our taxes would have ended together; and we should have been then as able, when justly provoked thereto, to begin the second war, as we were to undertake a first. But, unhappily for England, this method was not pursued, but instead thereof the nation was by piece-meal exposed to sale; and execrable surely will their names be to latest posterity, who at first began, or have been since, the chief supporters of this accursed practice, by which one third part at least of the great sums given, have been lost to the service of the nation, which now remains loaded with a debt of fifty millions; besides, at least the sum of seventy millions, which has been actually raised and paid. From hence it followed, that by the great burthens on our trade, a new spring of commerce more secure and beneficial having arisen, I mean the public funds, almost the whole numerous body of our wealthy English merchants, who were formerly the glory of our own, and the envy of other nations, have thrown all their money into this new channel, and have left the ancient trade, from which only the wealth of the nation can arise, to be carried on by men of small fortunes, who, trading only upon credit, are little more than factors for the manufacturers of England, who by this unnatural transmigration, are now become the merchants of the kingdom; and under these disadvantages a great part of our trade, which was formerly carried on with vigour by our own, is now fallen into the hands of foreign wealthy merchants, and I am afraid irreparably lost to us;—the inevitable consequence of which hath been, ruin to thousands and thousands of British families. And it is as evident, that by the long continuance of the land and malt taxes, and the high prices of all things, by the addition of new excises, the greater part of the middling gentry of the kingdom are half undone, and even our greatest commoners, and the nobility themselves, have very sensibly felt these pressures upon the public; and if the distress, more or less, has become almost universal, no wonder if it has planed the way to bribery and corruption, and disposed those who had the opportunities of doing it, to partake of the general plunder, and to repair their own at the expence of the public losses.

The funds, as I am informed, produce above three millions yearly, towards the interest, and sinking of some part of the principal of our debt: this great additional revenue, though the property of private persons, is entirely under the management of the officers of the crown, and thereby a dependance vastly greater, on a ministry, has been created, than ever was before, or could otherwise have been; and what influence this had on our elections throughout the whole kingdom, the acts of parliament which have been made to prevent the same, sufficiently proclaim. We have now an army of civil

officers, as dangerous as any military force, entirely at the devotion of e ministry; and although we may run no risque from this, in the hands where his majesty has now placed the administration, yet we have formerly been, and may again be in peril from this adventitious power, of the total loss of our constitution.

The short of the case seems to me to be, That some ministers have by their conduct gone a great way to beggar the nation; and others have corrupted those who have been so undone, and in this happy situation of men and things, the public money has been employed to corrupt electors, and returning officers, and thereby have filled some parliaments with the creatures of e ministry, and many have likewise expended vast sums of their owe, when they saw it necessary, to get or secure e place; and by this means these parliaments have been filled with great numbers of mercenary troops, whose names were scarce known in the counties where they were chosen, and without any family interests af their own, or the assistance of those who had; and if there has been any bribery on the parts of those who have opposed such men, as perhaps there may, it has been occasioned by the vile arts which have been put in practice against them: So I think I may truly affirm, That bribery and corruption, in elections, have not followed as any consequence of the Triannial act, but from causes widely different; and that the foundation thereof was at first laid, and has been since improved and carried on by wicked and designing ministers. As to the cure of this evil, I am afraid it cannot be thoroughly affected whilst the nation labours under the present heavy load of debt; and for this, and many other reasons, it does not a little concern us, to make all the progress we possibly can in so great and so good e work, as is the discharge thereof.

As to the heats and animosities which are likewise charged to the account of the Triennial Act, and the burthen and grievance of frequent expensive elections, I shall readily agree, That the frequency of elections, is directly intended and designed by the Triennial Act, to prevent the mischievous consequence of long continued parliaments: but surely no one will say, That this, simply and abstractedly, is a burthen or grievance: and as to the great expence in elections, and the violent heats and animosities about them, they are not in the least owing to the Triennial Act, as I have already shewn. and I presume no gentleman would desire to extinguish the ancient English hospitality, for which the nation has been so long famed; nor can any man imagine it more possible to cure all heats and animosities in elections, than to prevent contentions about them, which the laudable ambition of serving the nation hath formerly kept up, and I hope it will do so again, without the help of any other motives; but besides, I am persuaded, that contentions arising from so worthy a principle, and the old English hospitality, will do no harm. It is strange that any one gentleman can fancy, that the passing the bill before us into a law, would cool our heats, and settle us all in tranquillity; it seems to me to be calculated for the direct contrary purposes, to blow up the flame, and to fill up the measure of the nation's discontents; for it is impossible to conceive, that the electors of Great Britain, of whatever party or denomination they may be, will not be highly incensed by such a law as this; and if they should universally turn their resentments against those, who without their choice have made themselves the representatives of the people; I leave gentlemen to judge, whether this would not be an animosity of a much more dangerous consequence than that which we are pretending to extinguish by this bill.

It is also urged, That these frequent elections are a great encouragement to the idleness and debauchery of the meanest and lowest of the people; opportunities only to gratify the drunkenness and lewdness of the mob. I am sorry that there are any excuses, to give foundation for this complaint; but surely the evil proceeds from the same cause, and must be cured in the same way with those others which I have already taken notice of, to have been objected to the Triennial act. And I mention this now, only to observe, what pretty epithets are given to the electors of Great Britain. It was with concern that I heard them lately treated in this manner in another place, but could never have believed it possible to have heard any thing like it hinted within these walls. How low and mean soever they may be, they are still the people of Great Britain, and we are one of the three estates of the realm, by a power derived and delegated from them. And are we then only the representatives of a lewd, drunken, debauched mob? To paint out the Commons of Great Britain, in such contemptible colours, is surely doing great dishonour to ourselves, and is equally ungrateful and unjust to them. I think we represent all the Commons of Great Britain, and surely amongst them there are many thousands every way as well qualified to fill these seats, as we who have now the honour to do it: and even as to those of an inferior rank, it must be owned that they are a brave and a gallant people; and when we compare them with those of other countries, we have reason to be in raptures with our own happy constitution, which has made such a difference between them and other men; they are bred up from their cradles with deep impressions of liberty, and have their properties fenced in and secured by law; and by their representatives in parliament, they have the honour to share, even in the legislative authority; and it is this gives our people the spirit and resolution of the ancient Romans, by which our nation has obtained and preserved its great character in the world.

It is thus we ought to describe the people of Great Britain, and we shall then only do them the justice they deserve: but if, on the contrary, we shew an inclination to depreciate

their value, and seem to be ashamed of those we represent, will it not, especially if we pass the bill now before us, give the strongest jealousy, that we intend to represent them no more, but to set up for the future a third estate entirely independent of them. And this jealousy will be still encreased, by what has been with so great freedom discoursed of without doors, That people must be governed by their fears, and surely so they must, if this bill pass; for I think it will be scarce possible afterwards to govern them by love. Unhappy Britain! to have brought forth children so unnatural, as to treat thee thus: for whatever may have been put in practice in former times, the doctrine of slavery was never so openly avowed before: what, govern a free people by their fears? monstrous expression! and certainly formed design corresponding thereto, is an act of treachery, as foul and black as a Briton can be guilty of: an high crime and misdemeanor it certainly is, I will not call it high treason, because I know no law of the land which has yet declared it so.

The argument which I shall next take notice of, is that which seems to me to be mentioned as the chief inducement in the preamble of the bill, and which has been chiefly insisted upon by the gentlemen who have spoken for it; "Because of the danger from the general discontents, and great disaffection of the people, which some gentlemen are apprehensive, were a parliament now to be called, would produce a majority of very different sentiments from those who now compose it: others, who think better of the inclinations of the people, believe that this wicked work could not be accomplished without the help of foreign money, to bribe and corrupt the electors of Great Britain; but upon the whole, are of opinion, that the thing would be effected, and that instead of the present excellent House of Commons, so devoted to the true interest of their country, and to the support of his majesty and the protestant succession, we should greatly risque the having such a parliament as would be ready to call in the Pretender, and to deliver up their country to Popery and arbitrary power; and therefore those who are against the bill, are charged with contributing to this design, although they are charitably believed no wise to intend the thing." And this I think is the full import of what has been said by gentlemen on this head of argument.

As to the danger which some gentlemen imagine of an ill parliament, were it now to be chosen, from the help of French money, it is, in my opinion, a reproach to the present ministry, to fancy that they would be outdone, or outwitted by France in this, or in any other way; and I think that the defeating of such an attempt, is the only case in which a ministry might unblameably apply the public money, in the business of elections. I wish it never had been, or may be done on any other occasion. But why do gentlemen believe that the regent of France will meddle in our elections: surely not long since, he had a much better opportunity to have distressed us, had he been so disposed. On other occasions we hear, I mean without doors, of the good understanding between his majesty and that prince, and that the Pretender will very soon be obliged to travel beyond the Alps: and this certainly is highly probable, if the Regent have any expectations of being himself one day king of France. I shall say no more of this, and believe, those who made the objection, scarce expected that any one would have taken so much notice of it.

As to the danger of an ill parliament, from the great disaffection of the people; this, I confess, is a most extraordinary and surprising argument, and such as I never thought I should have heard in this place; For it is an open declaration, and acknowledgment, that the people of Great Britain are not truly represented at this time; that the present House of Commons are the supporters of the liberties and true interests of the people, which the people themselves are endeavouring to destroy, and would effectually do so by a new choice: and therefore they are to be treated like indiscreet children, and not to have their frowardness humoured at the price of their undoing. This indeed is telling the people of Great Britain, in the plainest terms, that as they are not at present truly represented by those whom they did chuse, so for the future, they shall be represented without any choice at all. If this be the way to ingratiate with the people, what is it which can give them a disgust? No, certainly this must make it absolutely necessary to govern them by their fears, and to take such measures as are proper for that purpose; a design so black, that I cannot suppose it has yet entered into the heart of any Briton.

It is amazing to hear this very suggestion, in my opinion far distant from the truth, not only on the present, but on other occasions, so frequently made use of as an argument; for were it really true, can it be any service to the public to be making daily and hourly proclamation thereof? For can this be a proper and likely means to strengthen the hands of his majesty and his faithful subjects, or to weaken those of the Pretender, and his foreign and domestic friends, to publish to all the world (for what is said in this place can be a secret no where) that the disaffection to his majesty is very general, and the party of the Pretender so considerable in the nation, as to risque another rebellion in his favour, if they had the opportunity of assembling together in numbers on a new election, or any other opportunity equally propitious to their purpose: and if this did not happen, that still there would be danger, that the majority on a new election, would be in the interest of the Pretender; and that this would not be less, perhaps might be more fatal, even than a rebellion. A bill founded on such surmises as these, and supported with such arguments, is highly dangerous, and if it passes into a law, its title ought to be, 'An

'Act for the most affectual encouragement of the Pretender and his allies, to invada this kingdom;' in my conscience I believe it so, and so it will be found if this bill should pass into a law

I believe it will be admitted, that from the establishment of the succession, until it happily took place, a vast majority of the people expressed the greatest zeal for it, and satisfaction in it; that from the death of the queen to the arrival of his majesty, the nation was never known to be in a greater calm. That the parliament then in being, unanimously settled the civil list for the support of the dignity of the crown, and completed what was wanting for the supplies of the year; and whatever faults they might have been guilty of before, there was nothing now wanting in the expressing of their duty; and it has been surmised, that some persons whose zeal for his majesty cannot be suspected, were not a little apprehensive, that that parliament and the party of which their majority was composed, would to make amends for their past conduct, go too great lengths in their complaisance to the crown, and that for this very reason it was dangerous for the nation that his majesty should ever meet them; but whatever the reasons were, certain it is that his majesty saw them not. The joy on his majesty's arrival was as great and universal, as was ever known in Britain; and from hence I think I may fairly conclude, that if there be such a disaffection as is suggested, since it was not before, it must have happened since his majesty's arrival: and if this can be imagined possible it must be then agreed, that such a general disaffection is an effect too considerable to be produced without any, or by a very slight cause; his majesty surely can be no wise the cause of so surprising a change, as is surmised, in the inclination of his people; therefore, if there be such a disaffection, it can be only to the ministers, and produced from something really ill, or which is apprehended to be so, in their conduct. I am persuaded, that they themselves have too much modesty, not to agree, that it is much more reasonable to suppose a disaffection to them, than to the person of the king; and I doubt not but this House will always distinguish, as they have hitherto done, between the sovereign and the ministers of state.

But in justice to the present ministry, we must conclude, that the disaffection to them is occasioned only by imaginary, and not by any real evils done by them, and we have great reason to hope, that by their wise and prudent management, they will be able in a very little time, to undeceive a mistaken and deluded people, and thereby regain those affections, which, for the present, they apprehend to be lost to them. And if they should fail in this, I am persuaded, from their great zeal for the quiet of the king, and welfare of their country, from their known disinterestedness, their generous contempt of advantages to themselves, and from that ancient heroic Roman virtue, which so visibly appears in every part of their conduct, that they themselves would become suppliant to his majesty for liberty to retire from the burthen of their trust, and to repose the same in such hands, as might put an end to the disaffections which are now complained of. And I am the more confirmed in this opinion, because I myself have heard some of the greatest men now in power, before they were so, express themselves in such a manner, as left me no room to doubt of the sincerity of such a disposition.

There is yet one part of the objection which I have not touched upon, the danger which is apprehended of an invasion from abroad, and the insurrection at home, should a new parliament be called at this time, and this, I think, is the only thing which I have heard mentioned which has the colour of an argument for a longer continuance of the present parliament; but I believe when it is a little examined, it will appear to have the colour only, and to be 'vox & præterea nihil.' I think I have already made it evident that there is no such disaffection to his majesty, or his royal family, as is suggested, and if there be not, then the danger of any invasion or insurrection on that supposition, falls entirely to the ground. But even admitting the disaffection to be as it is suggested, it is still agreed, that the whole nation is not disaffected, but only some part thereof; and that therefore the meeting together, on the occasion of elections (which are not made all on the same day) would consist of mixt multitudes of well and of ill-affected persons, so that the former might balance the latter.

But admitting that not only the disaffection is, but that the calling of a new parliament at this time, would be, as the same have been represented, yet this will not prove that there is any necessity at this time for the passing the bill, which is the subject of our present debate. I do most readily agree, that if this parliament were to expire in a very short time, and that the public meeting of the people would really be of such a dangerous consequence in the present juncture, as has been mentioned: that then absolute necessity, which always has been, and ever will be, a justification of extraordinary steps, would equally justify the prolongation for a time of the present parliament, in the manner now proposed; and no doubt but that the next succeeding parliament, convened in the usual legal manner, would approve and confirm what should be done in this, on so pressing an occasion. But surely it will nowise follow, because this might be done in a case of absolute necessity, that therefore it may or ought to be done, when there is no necessity at all. And it is evident, that there is no immediate necessity for the passing of this law, since, notwithstanding the length of the first, his majesty may still have two sessions more of this very parliament; and will it not be time enough to pass such a law in the last sessions, if it should then appear as necessary as it is now pretended to be? And therefore admitting every thing which has been alledged,

there is not the colour of a necessity for such a law at present; and this gives me strong suspicion, that there is a snake in the grass, and that we have not yet been acquainted with the true reason of so unprecedented an attempt. Certainly no gentleman can be afraid of what every gentleman must wish, that before the end of another year, our ferment will subside, and the nation be restored to a perfect calm, which would entirely take away all pretences of doing what is now endeavoured: Or, that the unanimous voice of the electors of Great Britain against such a law, would, before another session, be found too strong to be resisted by their representatives, and that gentlemen, upon a more mature consideration, might come to think very differently of this matter from what they at present may; and that therefore this great master-piece must be struck off at one heat, and that now or never must be the word: Or may not others without doors be apt to suspect, that this law is really intended to encourage the Pretender to invade, and his secret friends to shew themselves in public, by soothing them up in the hopes and belief of the greatness of their numbers; and by leading them into that snare, have an opportunity of discovering and ruining them as thoroughly in England, as we have lately done in Scotland; and thereby secure for ever the peace and tranquillity of the whole kingdom? For it is impossible to imagine, that such encouragement would be given to the Pretender or his friends, as seems to be done by the preamble of this bill, and the debate of this day, if those who were for the bill were not entirely satisfied that a new rebellion, if it should happen, would be attended only with the consequences I have just now mentioned. How right a design of this kind may be in politics, I will not pretend to determine, but will venture to affirm, that it is entirely inconsistent with the christian religion, and the principles of humanity, common to all mankind.

But besides, I think an experiment of this kind much too dangerous to be tried: for when the fire is once kindled, no human wisdom can tell how much it may consume. And although we have happily suppressed the late unnatural rebellion, yet, I am persuaded, no wise man can wish, to serve any end whatever, to see the nation exposed again to the risque of such another attempt, although it should be as ill concerted at home, and as little supported from abroad, as the last seems to have been. Such motives as these, therefore, can surely prevail with no body, and yet I am not able to guess at those which should. And where no visible reason does appear, for so violent and needless a precipitation, there must, and will be great variety of conjectures at those which are not seen.

Another argument seems to have great weight with gentlemen for the passing of this bill; "That it will encourage foreign princes and states to enter into alliances with us, when they see the certain fixed administration, on which they may depend; for that at present they looked upon us to be in the nature of a triennial government, a new parliament being usually attended with a new ministry, and a new ministry with new measures." I believe that this is the first, and I hope it will be the last time that ever an argument of such a nature was advanced, or would have been endured in any English or British parliament. We have hitherto been able to form great alliances, and to do great things, on the foot of our ancient constitution; and are we now sunk to a condition so despicably low, as to be obliged to model it to the genius or humour of any of our neighbours? Can a Briton bear this with patience? Absolute monarchy, and despotic power, have no doubt, in some conjunctures, the advantage of our form of government, but shall we, for the sake thereof, give up the most valuable constitution upon earth, so adapted to the spirit of our people, and so well suited, in the general circumstances of life, for the welfare and happiness of a free nation, and by which we have hitherto shone forth with a distinguishing lustre, from all other countries in the world? But as to the argument itself, why do gentlemen imagine, that Triennial Parliaments necessarily infer a Triennial Government? Surely the executive power is intirely in the prince, there the laws of the land have placed it, and there I hope it will for ever remain: The power of peace, war, and alliances, are the undoubted prerogatives of the crown, and no parliament, I hope, will ever pretend to dispute the same. The stability therefore of our government, as it relates to foreign nations, depends intirely on the prince; and I believe our ancient allies never had, nor had reasons to have, a greater reliance on any British monarch, than on his present majesty, who so worthily fills the throne; and I hope that reliance will never be transferred from him to any ministry, supported by any parliament whatever; which, I think, would be of the most dangerous consequence to the royal dignity, the liberties of the people, and to the true interests of all our sincere foreign friends. But I am also at a loss to find out any necessary connexion between a new parliament and a new ministry, were there any weight in that objection; for are not the public employments in the disposal of the king, and whilst they are executed to his satisfaction, will he continued in the same hands? And when they are not, it is unfit they should. And whatever changes his majesty may at any time happen to make, I am persuaded they will be always such as will be most for his own service, and the welfare of the kingdom, and I must declare the same opinion as to employments, as I have done with relation to seats in parliament; That there are great numbers in Britain, every way as well qualified for them as the present possessors; and how great soever my esteem may be for the present ministry, I cannot carry my compliment so far as to think, that the nation would be undone if they were laid aside. But

if by the passing of this law the present ministry should be effectually established, which is more than any man can pretend to prophesy, what encouragement could this in reality give to the forming of foreign alliances; when by the same law it is fully insinuated, and plainly admitted in the present debate, that the affections of a very great part of the people are lost to this very ministry; for my own part, I think it is doing them the greatest wrong, and furnishing foreign princes and states with the strongest arguments against entering into any alliance with us. For it is not their being supported by a majority of this House that will be any substantial encouragement, if it is believed that a majority of the nation are in very different sentiments.

Five hundred and fifty eight gentlemen of Britain, abstractly considered, were they all unanimous, bear but a small proportion to the numbers in the nation; but when they sit within these walls, cloathed with the authority of the people, and are thought to speak their sense, it is then indeed that they will have the full weight of the Commons of Great Britain. It is evident, that the present ministry and parliament were in being when the late rebellion broke out, and that notwithstanding all other proper measures, six thousand Dutch troops were thought necessary towards the suppressing thereof; they had not certainly been otherwise sent for, nor would any Briton have dared to have given such advice; what judgment then must that, and other states and princes form from hence, of the situation of our affairs, especially when by this law we proclaim aloud that our heats and animosities do still continue, and that there are still very dangerous dispositions towards a new rebellion, and if this be an encouragement to enter into, and depend upon our alliances, I know not what can be a proper discouragement.

I am therefore in hopes that this bill will not pass; instead of such extraordinary and unnatural projects as these, there are others that deserve our attention. I think it would be a design worthy of a British parliament, to concert and execute the most proper measures for the healing up of our breaches, and uniting our minds for the common interest and safety of the nation. The first step absolutely necessary towards this great work, seems to me to be, the forgetting all past party quarrels, and extinguishing for the future those odious names of distinction, which have been so long, and so unhappily kept up. And I will venture to say that this expedient towards unanimity, is much more Christian, less dangerous, and, though difficult, yet much more practicable, than the extirpation or total suppression of either of the contending parties, which the unthinking furiosos of both seem to be too fond of.

I would not have gentlemen discouraged, in endeavouring what I recommend, from any difficulties which they may conceive therein; for surely there was a time, and not long since, when this blessed work could not have miscarried; I hope it is still practicable, or else the nation will be soon undone: for we are sure, that a kingdom divided against itself will be brought to desolation. But as to the possibility of the thing, let me put gentlemen in mind of the great heats and animosities, which were raised and continued, by the unexampled violences and cruelties of a long and bloody civil war; yet these were all appeased in the very beginning of the reign of king Charles the 2nd, after his Restoration; the history of that time being sufficiently known, I need not repeat the measures which were then taken: certain it is, the nation enjoyed a calm for many years, our trade flourished, our wealth encreased, and we were both, in the literal and allegorical sense, a land flowing with milk and honey: and this I hope will be again our case. I would also recommend the payment of our public debts, or at least of putting them in a way of being discharged in some reasonable time; for till this is done, we are, in my opinion, in a state of the greatest insecurity; for what foreign prince or state, will either court the friendship, or dread the enmity of a bankrupt people? For though particular persons are really rich, the nation, whilst loaded with a debt of fifty millions, is undoubtedly very poor; and is it not a melancholy consideration, that when the individuals are very wealthy, that yet the nation should be very weak; this is indeed a paradox; but greater still, that men can be so infatuated, as to sleep secure under a government, which can scarce be said to be in a condition of giving them protection, and that too when it is in their own power to redress the evil.

Before I sit down, I must observe, that this bill is brought in by no order of this House, nor has arose on any motion made, but is a present sent us by the House of Peers. I do not say, that their lordships have not a right to send us this or any other bill they please, a money bill excepted; but since it chiefly, if not wholly, relates to our own, and the rights and privileges of those we represent, it would more naturally, in my opinion, have had its commencement here; and this consideration inclines me to believe, that it had not been easy to have found one among us, who would have been willing to have made himself remarkable, by being the first mover of so extraordinary a law, so likely to disgust a vast majority of the people. But there are other reasons assigned, and pretty freely talked of without doors, for beginning this bill in the House of Lords, that thereby time would be got, and proper arguments applied, to convince gentlemen of the necessity of this law, who, when it was first spoke of, seemed to be very much prejudiced against it; and it is said, that there has been great pains taken for that purpose, and not without success. But it is said, that the main reason against beginning it here, was to take off that bias, which was apprehended might be upon the minds of gentlemen, from the doubtfulness of its fate in another place; for though the

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Lords have, we have not an inheritance in our seats, but depend for a continuance of them in future parliaments, on the good opinion of the electors of Great Britain, and to deprive them of the right of frequent elections, which they are entitled to by law, cannot be supposed a proper recommendation to their favour; and it was therefore convenient to remove this stumbling-block out of the way, that the advocates for the bill might argue and vote with greater assurance. But I hope the resolutions of this day will fully make appear, how false and groundless these and such like suggestions are, and that we cannot be deterred from a faithful discharge of the trust reposed in us, or influenced against it, by any motives or considerations whatsoever; and that those gentlemen particularly, who have sat long in parliament, and on all occasions have so worthily distinguished themselves, by being the greatest advocates for the rights and liberties of the people, will at this time shew the world, that they continue fixed and steady to the principles they have always professed. I therefore hope, that a law which even the worst ministry, in the worst of parliaments, never had the wickedness to attempt, will not actually be established under the best administration, and in the best parliament with which this nation was ever blessed.

These were the chief argoments that were urged on either side, for and against the Bill; and upon the whole matter it was resolved, by a majority of 284 against 162, that the Bill be committed to a Committee of the whole House.

A LIST of the MEMBERS who voted for the BILL for Repealing the TRIENNIAL ACT, and making Parliaments Septennial, April 24, 1716.

N. B Those with a * voted A. D. 1734, for Repealing the Septennial Act, and restoring Parliaments to a continuance of three years only

Those with a † voted A. D 1734, against the Repeal of the Septennial Act

Abercrombie, Alexander, captain of foot
Addison, Jos a commissioner of trade
Aislaby, John, treasurer of the navy
Aland, John Fortescue, his majesty's solicitor general
Allanson, C. clerk of the bonkrupts under the lord chancellor
Anstruther, sir J. bt.
† Anstruther, Philip, col in the footguards
Ashburnham, sir W. bt chamberlain of the exchequer
† Ashe, Edward, clerk of the ordonance
Ashe, W.
Ashurst, sir H. bt.
Astley, sir J. bt commissioner of trade
Aylmer, Matthew, admiral and governor of Greenwich hospital
† Bacon, Waller
Baille, George, a commissioner of the admiralty
Baird, J. jun. commissioner of the equivalent
Banks, Joseph
Barlow, John
Bateman, sir James, kt. sub-governor of the South-sea Company
Bell, Ralph
Bellamy, W. auditor to the dutchy of Lancaster
Benson, W
Bere, Thomas, commissioner of the victualling office
* Bigg, John
Birch, John, sergeant at law, and a commissioner of the forfeited estates
Bisse, Stephen, commissioner of the equivalent
Blackiston, col. Nic. thumsel
Blundell, sir Montague, bt.
Bond, Dennis, letter carrier to the government, and a commissioner of the forfeited estates
Boscawen, rt. hon. Hugh, comptroller of the household, and warden of the stannaries
Boteler, John, one of the commissioners of the equivalent
Bruce, John Thurloe
Braddyl, Doddington,
† Bradshaigh, sir R bt.
Bray, W captain of horse
† Bridges, George
† Bridgman, sir Orlan. bt. clerk of greencloth to the prince
† Bristow, R. a commissioner for stating the debts due to the army
Brittiffe, Robert
Broderick, Thomas
Broughton, sir Brian
† Brudenel, hon J. master of the jewel office
Brownlow, sir John, bt.
Burridge, John
Byng, sir George, commissioner of the admiralty
† Campbel, J. groom of the bed-chamber to the prince, and captain of the footguards
† Campbell, sir James, bt governor of Stirling Castle
Campbell, hon. John, surveyor of the king's works in Scotland
† Campbell, Daniel
Carbarry, lord
Carew, sir Nicholas bart.
Carpenter, General, colonel of horse
Carter, Laurence, solicitor general to the prince
Cartwright, H made a commissioner of the victualling office
Cater, John
* Cavendish, lord J.
Chandler, Richard
* Chetwynd, John, one of the commissioners of trade
* Chetwynd, W. ranger of St James's Park
Chetwynd, W.
Child, sir R. bt.*
Chulmley, Hugh, surveyor general

* Created viscount Castlemain, and baron of Newtown, April 17, 1718. "My lord Townshend and Mr Methuen are extremely concerned at what you write about the probability of sir Richard Child's immediate promotion to the peerage. They apprehend that such a mark of his majesty's favour to that gentleman, who is a Tory, may have a very ill effect at this juncture, and that it will at least revive many pretensions among the Whigs, which are in every respect better founded, so that it will be of great disservice to his majesty to do it at present, for which reason they desire you would use your utmost endeavours at least to get it deferred till after the next session, by which means his majesty will have the service of sir R. Child in the House of Commons for one session longer, and they make no doubt but the evident reasonableness of this delay will reconcile sir R Child to acquiesce in it, if he can have his majesty's assurance of its being done at that time" Stephen Poyntz to Secretary Stanhope. Coxe's Walpole.

† Churchill, Charles, colonel of dragoons
Churchill, W. atationer to his majesty
‡ Clerke, sir T. kt.
‡ Clayton, W.
* Cockburn, John, one of the commissioners of trade
* Cocks, James
Colepepper, sir T. bt.
Compton, hon. Spencer, Speakor, treasurer to the prince
Couingsby, lord viscount
Cook, sir Charles, kt. alderman of London, and commissioner of trade
Corbet, sir Robert, bt.
Corbet, Andrew
Cornwall, Charles
Coventry, W.
Cowper, Spencer, attornay general to the prince
Craggs, James, jun. cofferer to the prince
Cuningham, sir J. bt.
Cuningham, Henry, commissioner general of the musters in Scotland, and commissioner of the forfeited estates
D'Aeth, Thomas
Dalrymple, sir David, bt. lord advocate for Scotland
Daines, sir W. kt.
† Darcy, Conyers, one of the commissioners for executing the office of master of the horse and avener
Dasels, John
Delaval, Francis
Delaval, George, rear-admiral
Denton, Alexander, his majesty's counsel at law, and attorney-general of the dotchy of Lancaster
Desbouverie, Jacob
Diston, Josiah
† Docminique, Paul, * commissioner of trade
Doddington, George, a commissioner of the admiralty
Dowdeswell, W.
Douglass, W. captain af foot
Douglass, hon. col G.
† Drake, sir F. H. bt.
Ducane, Richard
Dunch, Edmund, master of the king's household
† Edgcombe, Richard, a commissioner of the treasury
Egerton, hon W. col. of foot
Erle, rt hon. Thomas, lieutenant general of the ordnance, and governor of Portsmouth
† Erle, Giles, captain of horse
Ernle, sir Edward, bt.
Evelyn, George
Eyles, Francis, director of the Sooth Sea company
† Eyles, sir John, bt. a director of the Bank, and commissioner of the forfeited estates
Eyre, Giles
Farrer, W. master of St. Catherine's in the Tower
Farrington, sir R. bt.
Ferguson, Alexander
Ferrers, brigadier T col. of foot
Fielding, hon. W. clerk of the green cloth
Fitz-Williams, J. lord viscount
Forbes, John
Forrester, W.
Fowler, sir R. bt.
† Frankland, Thomas
Furnese, sir Robert, bt.
* Gibbon, Philip, commissioner of the revenue of Ireland
Gordon, sir W. bt commissioner for stating the debts due to the army
Gough, sir Richard, bt. a director of the East-India company
Gould, Nathaniel, a director of the bank
Graham, col. James
Grantham, Richard, a commissioner for the forfeited estates
Grant, Alexander, col. of foot, and governor of Sheerness
Greenville, Richard
†Gregory, G. one of the commissioners for the forfeited estates
† Griffith, John, of Lynn
† Grimstone, William
Grove, Grey James
Guidott, William
Haldane, Patrick, one of the commissioners of the forfeited estates
Haldane, Mungo
† Hales, sir Thomas, bt one of the commissioners for forfeited estates
Hampden, Richard, one of the tellers of the exchequer
Harnage, Richard
Harvey, Daniel, gen. col of horse, and governor of Guernsey
† Heathcote, John, one of the directors of the East-India company
Heathcote, sir Gilbart, knt one of the directors of the bank
Henley, John
Hill, Trevor
Hill, sir Roger
Hillersdan, William
Hinchinbrook, lord, col. in the guards
Hitch, Robert
Hobart, sir John, bt.
Hopkins, John
Hopkins, Edward, one of the commissioners of the revenue in Ireland
† Horham, sir Charles, bt. col. of foot
† Hoghton, sir Henry, bt. one of the commissioners of the forfeited estates
† Hucks, William, his majesty's brewer
Humphreys, sir William, bt.
Jekyll, sir Joseph, knt. chief justice of Chester
Jenkins, Tobias
† Jennings, sir John, knt. one of the commissioners of the admiralty
Jennings, Philip
† Jessop, Wm. Welch judge
Johnson, sir Thomas, knt.
Janssen, sir Theodore, bt.
Ingram, Arthur
Ker, hon. William, col. of dragoons, and groom of the bed-chamber to the prince
Knight, John
Lade, John
Leigh, John
Lennard, sir Samuel, bt. one of the grooms of the bed chamber to the prince, and lieut. of the second troop of guards
Littleton, Tho. capt. of foot
Lockhart, James, one of the commissioners of the equivalent
Londoo, John
Long, col. Charles
Lowndes, William, secretary to the Treasury
Lumley, hon. Henry, col of horse
Lyddal, Thomas
Masters, William
Marsham, sir Rt. bt.
Mason, Charles
Maynard, Tho. commissary-general of Minorca
Mend, sir Nathaniel, knt. his majesty's steward of Romford
Medlicot, James, master in chancery
Methuen, hon. Paul, one of the commissioners of the treasury
Meyrick, Owen
Micklethwaite, Thomas
* Middleton, John, lieut. col. of foot, and deputy governor of Tinmouth
Minshull, Edward
Molesworth, Robert
Mohoeux, Samuel, one of the secretaries to the prince
Monro, Robert, governor of Inverness, e captain of foot, and one of the commissioners for forfeited estates
Monson, sir W. bt.
Montague, James
Montgomery, John, one of the grooms of the bed-chamber to the prince, and a captain of the foot guards

Moreton, col. Matthew Ducy
Morgan, Anthony, deputy governor of the Isle of Wight.
Morgan, John
Morrice, Humphrey, one of the directors of the bank
Murray, lord James, col. in the foot guards
Murray, Alexander
Murray, Alexander
Naylor, George
Neville, hon. Grey, one of the commissioners for stating the debts due to the army
Newport, lord viscount
Newport, hon. Thomas, one of the commissioners of the Treasury
Noel, hon. John
Norris, Edward
Norris, sir John, knt. admiral of the blue
Northey, sir Edward, knt. his majesty's attorney general
Northey, William
* Offley, Crew
Oliphant, Chas. M. D.
Onslow, Denzil, one of the commissioners of the victualling-office
Onslow, Thomas, outranger of Windsor Forest
* Oughton, sir Adolphus, bt. major of the guards, and one of the grooms of the bed-chamber to the prince
Owen, sir Arthur, bt.
Oxenden, sir Henry, bt.
Page, sir Gregory, bt. one of the directors of the East India company
Palmer, sir Thomas, bt. one of the commissioners for stating the debts due to the army
Papillon, Philip
* Parker, sir Philip, bt.
Pawlet, lord William, one of the tellers of the exchequer
Paulett, Norton
* Paulett, lord Harry, captain of dragoons
* Pelham, Thomas, one of the commissioners for stating the debts due to the army
* Pelham, hon. Henry
Pepper, brigadier, col. of dragoons
* Piggot, Robert
Pitt, Thomas, senior
Pitt, Thomas, junior
* Plumtree, John, one of the commissioners for stating the debts due to the army
Pollock, sir Robert, bt. governor of Fort William
Porter, Aubrie
Prideaux, sir Edmd. bt.
† Pulteney, William, secretary at war
Pynsent, sir William, bt.
* Read, sir Thomas, bt.
Rebow, sir Isaac, knt.
* Rich, sir Robert, bt. col. of dragoons
Roberts, hon. Francis, one of the commissioners of the revenue in Ireland
Robinson, sir W. bt.
Samuel, sir Thomas, bt.
Sandford, sir Richard, bt. warden of the Mint
Scawen, sir Thomas, one of the directors of the bank
Scot, James, major in the foot guards
* Selwyn, col. John, one of the clerks of the green cloth to the prince
Shute, John Barrington
* Sloper, William, secretary to the pay-master general
* Smelt, Leonard, one of the commissioners for stating the debts due to the army
Smith, James
Smith, John, one of the tellers of the exchequer
Sondes, Edward, lord viscount
Stanhope, gen. James, one of the secretaries of state
Stanhope, hon. William, col. of dragoons
Stanhope, Philip, lord, one of the gentlemen of the bed-chamber to the prince
Stanwix, Thomas, col. of dragoons, and governor of Chelsea hospital
Stanyan, Abraham
Steel, sir Richard, master of the play-house, and one of the commissioners for the forfeited estates
Stewart, brigadier J. lieut. col. to the 3rd regiment of guards
* Stewart, William, one of the secretaries to the prince, and remembrancer of the exchequer in Scotland
St. Quintin, sir W. bt. one of the commissioners of the treasury
Stricklaod, William, one of the commissioners of the revenue in Ireland
Tench, sir Fisher, bt. one of the South-sea directors
* Thompson, William
Thompson, sir William, knt. recorder of London
Tirwhit, sir John, bt.
* Towosheod, hon. Horatio, one of the directors of the South-sea company
Travers, Samuel, auditor to the prince, and one of the clerks of the king's works
* Treby, George, one of the commissioners for the forfeited estates
Trefusis, Samuel
Trelawny, sir John, bt. one of the gentlemen of the bed-chamber to the prince
* Treochard, George
Trevanian, John
* Tuffnel, Samuel
* Turner, Cholmeley
* Turner, sir Charles, knt. one of the commissioners of the admiralty
Vans, Patrick
Vernon, Thomas
Vincent, Henry, jun. one of the commissioners of the victualling office
* Wade, geo. col. of foot
* Wager, sir Charles, knt. rear admiral of the red, and comptroller of the navy
Wallop, John
Walpole, Galfridus, treasurer of Greenwich hospital
* Walter, Peter
Ward, sir John, knt. alderman of London, and one of the directors of the bank
Warrender, sir G. kt.
Weaver, John
Wentworth, Tho. jun.
West, hon. John, gundoo io the guards, and a clerk of the cooocil
Wheat, sir Thomas, bt.
White, Thomas
Winchester, Charles, marquis of, one of the gentlemen of the bed-chamber to the prince
Wittewrong, sir John, bt. col. of foot
Wilkinson, Thomas
Williams, sir E. bt.
Wilmer, William
* Wilson, Daniel
Wortley, hon. Sidney Montague
* Wyon, Thomas, one of the equerries to the prince
* Yonge, William

A LIST of the MEMBERS who voted against the Bill for Repealing the TRIENNIAL ACT.

N. B Those with a * voted against repealing the Septennial Act, A. D. 1734.

Those with a † voted for repealing the said Act, and restoring Parliaments to a continuance of three years only.

Archer, Andrew
Baker, George
Dempfield, sir G. W. bt.
† Barrymore, earl of
† Bathurst, Benjamin
† Beaumont, sir G. bt.

Berkeley, Maurice
Bertie, Charles
Bertie, hon. James
Bertie, hon. Henry
Betts, William
Blacket, sir W. bt.
Bland, sir John, bt.
Booth, hon. Langham
Bracebridge, Samuel
† Bramstone, Thomas
Bromley, William
Bromley, John
Bruere, George
Bunbury, sir H. bt.
* Butler, James
Calmady, Shilston
Calthorpe, Reynolds
Calvert, Felix
† Carew, sir W. bt.
† Cartwright, Thomas
Cave, sir Thomas, bt.
Cecil, hon. Charles
Champernoon, Arthur
Chaplin, sir Robert, bt.
Chetwynd, Walter
Chiswel, Richard
Clarges, Robert
Codrington, John
† Coffin, Richard
Colemore, William
Conyers, John
Conyers, Thomas
Copa, sir Jon. kt. bt.
Corrance, Clement
† Cotton, sir J. H. bt.
† Courtney, sir W.
Cox, Charles
Cox, John
Cross, sir Thomas, bt.
Curzon, sir John, bt.
Davers, sir Robert, bt.
Delaune, William
Downe, lord viscount
Drake, M. Garrard
Erle, Joseph
Eden, sir John, bt.
Elford, Jonathan
Elwes, sir Harvey, bt.
England, George
Ettricke, William
Fane, hon. John
Finch, Daniel, lord
Fleetwood, John
Fleming, Richard
Foley, Thomas
Foley, Richard
Fownds, John, jun.
Freeman, Ralph
Fuller, S. Partiger
Godfrey, Peter
Grey, Thomas de
Guernsey, Heneage ld.
Hanmer, sir T. bt.
Hardress, John
† Harley, Edward
Harvey, William
Heath, Thomas
Hedworth, John
Herbert, James
Herne, Joseph
Heron, Henry
Heysham, Robert
Heysham, William
Hill, Samuel
Holmes, Henry
Hopton, Richard
† Horner, Thomas
How, sir Richard, bt.
Hungerford, John
Hutcheson, Archibald
Hyde, Robert
Jeffreys, Edward
Jenkinson, sir R. bt.
Jennings, James
Jennings, John
Ing, William
Ingram, hon. Arthur
Johnson, sir Henry, kt.
Johnson, William
Isham, sir Justinian bt.
Kaye, sir Arthur, bt.
Keymis, sir Charles, bt.
King, Thomas
Kynaston, Corbet
Lambert, Edward
Lawson, Gilfrid
Lechmere, Anthony
Lechmere, Nicholas
† Lee, sir Thomas, bt.
Leeves, Robert
Leicester, sir F. bt.
† Leigh, hon. Charles
† Levinz, William
Lewen, sir William, kt.
* Lewis, Thomas
Lewis, Thomas
Long, sir James, bt.
* Longueville, Charles
Lowther, James
† Lutwyche, Thomas
† Master, Thomas
Mews, sir Peter, kt.
Morgen, sir T. bt.
Morrice, sir N. bt.
† Mostyn, sir R. bt.
† Nawland, William
Nicholas, Edward
North, Dudley
Northmore, W. jun.
Northleigh, Stephen
Packer, Robert
Packington, sir J. bt.
Paget, Henry, lord
† Palmer, Thomas
Palroor, sir Jeoffry, bt.
Parker, Charles
Paske, Thomas
Peytoe, William
Pitt, George
Pitt, George, jun.
Pole, sir William, bt.
Randyl, Morgan
Raymond, sir Robert
Reynel, Richard
Rogers, sir John, bt.
Ross, general Charles
† Rowney, Thomas
† Rudge, John, a director of the Bank.
† Rushout, sir J. bt.
Sawbridge, Jacob
† Seabright, sir Thomas Saunders, bt.
Shepheard, Samuel
† Shippen, William
† Shuttleworth, R.
Smith, Thomas
Smithson, Hugh
Snell, John
Stephens, Thomas
Stephens, William
Stonehouse, sir J. bt.
Strading, sir Edw. bt.
Strangeways, Thomas
* Sutton, Richard, brigadier general
Swanton, Francis
† Talbot, John Ivory
Trenchard, Henry
Trevor, John Morley
Trotman, Samuel
Turner, sir Edw. kt.
Vaughan, Richard
Vernon, Thomas
Urquhart, Alexander
Walcot, Humphrey
Walter, sir John, bt.
Warburton, sir G. bt.
Ward, John
Ward, William
Ward, Joshua
Weotworth, hon. T.
Westerne, Thomas
Whitelocke, sir W. kt.
Willoughby, hon. F.
Windsor, hon. Dixie
Winstanley, James
Worseley, sir R. bt.
Wrightson, William
Wykes, William
Wynne, Richard

Petitions against the Septennial Bill.] April 25. Two Petitions against the said bill, one from the borough of Horsham, the other from Westhury, were presented to the House and read: The last of them was ordered to lie on the table; but the House taking offence at an expression in that from Horsham, viz. "That they looked upon it as an overturning of the constitution, and as an infringement of their liberties," rejected their petition.

Debate concerning a Clause for preventing Pensioners from sitting in Parliament.] After this Mr. Lechmere moved, and the question was proposed, That it be an instruction to the committee of the whole House, to whom the said bill was committed, that they have leave to receive a clause, to disable persons from being chose members of either Houses of Parliament, who have pensions during pleasure, or any number of years: but general Stanhope having represented, that such a clause would but clog the bill, and endanger its miscarriage, part of it being derogatory to the privileges of the House of Lords; and that if any jealousy were entertained of the members of the House of Commons having pensions from the crown, a bill might be brought in to exclude them; the previous question being put, that the question be now put, it passed in the negative.

Then the House in a grand committee, of which Mr. Hampden was chairman, went through the bill, and directed it to be reported without any amendment; which being done, the House ordered it to be read the third time the next day. After this general Stanhope moved, and it was ordered accordingly, That leave be given to bring in a bill to disable any person from being chose a member of, or sitting and voting in, the House of Commons, who has any pension during pleasure, or for any number of years, from the crown; and that general

Stanhope, Mr. Creggs, and Mr. Boscawen, do prepare and bring in the same.

Debate in the Commons on the third reading of the Septennial Bill] April 26. Two Petitions against the said bill, one from the borough of Coerdiffe, the other from Petersfield, being presented to the House, and read, were ordered to be upon the table. After which, the bill was read a third time, and upon Mr Hampden's motion, the question was put, That the bill do pass, which occasioned a debate that lasted about two hours * Those who spoke against the bill were Mr Freeman, Mr. Hungerford, Mr. Wykes, and lord Finch, who were severally answered by sir Richard Steele, Mr. Boscawen, sir William Thompson, Mr. Erle, Mr Tufnell, and sir John Brownlow. Mr. Freeman and Mr. Hungerford having, among other things, insisted, that no satisfactory answer had yet been made, either as to the trust reposed in the Commons by their principals, or as to the repealing the Triennial act. Now

Mr. *Tufnell*, made thereupon the following speech:

Mr Speaker;—I think the only question before us is, Whether the Triennial act, as it now stands, or as it is proposed to be altered by this bill, is likely to conduce most to the benefit of the public? However, since in this debate there has been a good deal said of the constitution of parliaments, I must beg leave to mention a word or two on that subject. That parliaments were anciently to be held annually, appears by two acts made, the one in the 4th, the other in the 36th of Edward 3. But though they were to be held annually or oftener if occasion should be, in order to remedy the grievances of the people, yet I cannot find that there ever was any time limited for elections: But as the crown had always the power of dissolving, so likewise of calling a parliament whenever they thought fit. There was indeed a Triennial act made in the 16th of Charles 1, 'To prevent the inconveniences which may 'arise by the long intermission of Parliaments; and therefore it provided, 'That there should 'be a session once in three years;' but by no means limited any time for the duration of parliaments. This act was repealed in the 16th of Charles 2, because there were some provisions made in it, which were looked upon as a derogation to the rights of the crown. I believe I may venture to say, the first restriction which

* "In my last I could only give you an account that the Septennial Bill was committed by a great majority; now I can acquaint you that yesterday it past the House of Commons by a majority of above two to one. The chief arguments used on the Whig side, were the present situation of our affairs, an enemy at home in open rebellion not yet quite subdued, and a faction at home that encouraged riots and tumults, and would undoubtedly lay hold of the opportunity that a new election offered them to stir up the people to not only riots but even a fresh Rebellion, that the Triennial Act never answered the ends it first proposed by it: that it served for no other end, but to keep alive our animosities which by the short intervals between elections had not time to cool, and that it debauched the common people's morals and principles, and made them capable of the worst impressions, and ruined the gentry, who by the frequent returns of elections were put to great expences, and become slaves to the populace; that it hindered the due administration of justice, because the magistrates durst not punish many and great crimes, if committed by a voter, or for fear of disobliging one, and that at the present juncture when our foreign enemies only wanted a fit opportunity to invade us anew, and put the Pretender again upon us, we ought to be upon our guard, and afford him no occasion. The Tories in their turn harangued on the topics of liberty, and said that frequent elections were the safety of the kingdom, by placing proper checks on the crown, minister, and even the House of Commons itself; that to repeal this bill was in effect to own the king could not trust his people, besides they argued it was unjust to continue themselves for any longer time than the people chose them for, they must then be esteemed not the people's but their own representatives, and what laws should be made by them after the time expired for which they were elected, must be null and void: this doughty argument was insisted on by almost every one, but particularly by sir Thomas Hanmer and Lechmere, but this was both laughed at and refuted. For should that argument hold, then we were a people that had not a supreme power, and so could neither make or repeal any laws at all, besides it took from us the natural laws of self defence and preservation in times of extreme danger for the same power that made that law must surely have an equal power of repealing it. This is the sum of both arguments, but in the debates on this subject, a good deal of warmth was shown by the Tories, and Snell so affronted the whole Scotch nation, in saying that no wonder those gentlemen were for giving up our liberties, who had given up those of their own nation, that he was forced to explain himself and ask pardon. Lord Finch abused both parliament and ministers, that this bill was calculated to serve the avarice of a few persons, and he termed the House of Commons a lick-spittle-parliament for coming into it. It must be owned the Whigs when it was first proposed, did not relish it at all, but these arguments and the necessity of the times converted them. And it is now evident that they should like what they have done the better, because there is not a Jacobite who does not rail aloud against it, which confesses a disappointment, and that we have broke their schemes Thus I have given you as full an account of this matter as I could in a letter." Mr. Moyle to Horace Walpole, Cuse's Walpole. [illegible]

ever the crown lay under, as to the continuance of parliaments, was in the 6th of William and Mary. Then sprung up the Triennial law, which is the subject of our present debate; and which, however well designed, was certainly an innovation, until then unheard of. So that what is now offered in this bill, is only, in some measure, to reinstate the crown in that power which it had always enjoyed. And I cannot but be surprised, that those gentlemen who have hitherto boasted themselves to be the zealous assertors of the prerogative of the crown, should of a sudden be so fond of a law which undoubtedly is a very great diminution of it. I hope I shall not be misunderstood, as if this were the only reason which induces me to approve of the present bill. No, though I shall always have a due regard to the prerogative, yet if I could imagine that this bill would prove the least detriment to the public, the least infringement of the liberties of my fellow subjects, my vote should never flatter my crown, so far, as to revive such a prerogative.

The design of this bill is only to enlarge the time for the continuance of parliaments, by making them Septennial instead of Triennial. Of the law, as it now stands, we have already had the experience about 22 years; and what advantage have we gained? Has it ever answered one single end for which it was intended? On the contrary, has it not produced the most mischievous effects? What endless divisions has it created among neighbours, friends, nay, the nearest relations? How has it ruined gentlemen's estates, made them not only beggars, but slaves to the very meanest of the people? What a scene of corruption has it every where introduced? How has it debauched the morals of the nation? Even the administration of provincial justice, which has always been esteemed the glory of our constitution, has been infected: and I wish the infection may have reached no farther. These are some of the fatal consequences we have already experienced by this Triennial Law, and those alone, in my humble opinion, would be sufficient reasons for the alteration of it. However, let us consider the present circumstances of our affairs. In order to it, let us a little look back to the original of our misfortunes: and are they not owing to that unreasonable cry of the danger of the church, under the specious pretence of supporting the church of England, though manifestly in favour of that of Rome? That unhappy delusion, which has been so industriously, so maliciously spread, and so fatally indulged! Let us consider that unnatural, unprovoked rebellion, which has so lately raged among us; and that sullen, groundless spirit of discontent which still lies murmuring in so many traiterous breasts. And notwithstanding that indifference, nay contempt, with which I hear the argument of our alliances treated by some gentlemen, I must own I cannot but think there ought to be a good deal of stress laid upon it: for how can we imagine, that any foreign powers will readily enter into any treaties with us, for our advantage, without some security that they shall be made effectual, as long as our government is subject to such a fluctuation, and as it were Triennial? Especially if it be considered in how shameful and how infamous a manner the grand alliance was broken; the faith of treaties violated; the credit of this nation sunk; its interests betrayed; our ancient and best allies abandoned and ill treated; new ones sought for, and caressed, with no other design, but to make us a more easy prey to the Pretender? Nay, have we not too just ground to suspect that this cause has all along been underhand supported by these very allies, the old inveterate enemies of our constitution, who are always envious of our prosperity and only wait a fair opportunity to give us fresh disturbances? And could their vigilance, their artful management, and their treasure, joined with the unwearied endeavours of a restless faction at home, procure an election in their favour, what would be the consequence, but to unloose the doors of your prisons, to set traitors once more at the head of your affairs, to give them an opportunity of re-acting their former unfinished scenes of treachery, to make you a tributary province to France, and for ever complete the ruin of these kingdoms? To see the British honour thus prostituted, the once arbitress of Europe thus insulted, these things, I say, ought to raise to every British breast a just resentment of the injuries of his country. After all, I am sensible there have been several objections made against this bill, which carry an air of popularity with them; yet which, upon examination, must appear to be of no real weight. I shall take notice of but one or two of the most considerable, lest I should trespass too far on your indulgence. It is said, our electors chose us their representatives but for three years, and that we cannot prolong that term without betraying that trust which they have reposed in us. In answer to which I must desire gentlemen to consider the nature of the writs of summons, and the returns to them: is it not to consult 'de rebus arduis regni?' and that they should have 'plenam et sufficientem potestatem pro se et communitate 'comitatus prædicti, et prædictorum civium 'et burgorum, divisim ab ipsis, ad faciendum 'quod de communi consilio ordinari contigerit 'in præmissis alta quod pro defectu hujusmodi 'potestatis negotia prædicta infecta non remaneant?' Nay, may not the same objection be made against repealing or altering any law in force at the time of an election, and consequently defeat the very end for which a parliament is chosen? And I should be glad to know what particular authority they were invested with, who made the Triennial Law, which was certainly a great alteration of the constitution? There is another thing which I find is very much insisted on, and that is, supposing this bill were seasonable, yet why now? Because it is now there is the most occasion

for it. Are we not every day threatened with new insurrections, new invasions? And is it not the prospect of success at the next election, however ill-grounded, which still keeps alive the spirit of Jacobitism?

No wonder then there are such clamours raised without doors against this bill, by the enemies to our government, as well knowing that this must prove its best security; that it effectually defeat their measures; that it must strike at the very foundation of all their traiterous designs; and for ever blast the Pretender's hopes of rekindling the flames of rebellion. In short I am so entirely convinced not only of the reasonableness, but of the absolute necessity of this bill, in order to put an end to our unhappy divisions, to stop that raging deluge of corruption which is so universally spread throughout the whole nation, to make the crown sit easy on his majesty's head, and perpetuate the protestant succession in his royal family; and at the same time, that it is no ways prejudicial to the rights and liberties of the subjects of Great Britain; that how ill soever a recommendation it may be to any future election, if I can have but the pleasure to see my country secured, to see these blessings fixed upon a solid and lasting foundation, and if I can have but the honour to contribute the least share towards so glorious a work, my ambition will be sufficiently rewarded, though I should, by this day's vote, for ever after be excluded a place in this House.

Lord *Guernsey* having in the course of this debate, asserted, That if a man did not fall into all the measures of the ministry, and lap with them like the men of Gideon, he was immediately brow-beaten.

Mr. *Boscawen* answered, That that honourable member was of another opinion not many weeks before; so that what he now said must proceed either from resentment or disappointment

Sir *John Brownlow* said, That for his own part, he neither expected nor looked for a place: that he would not have been for this bill during the last ministry, because he was sure they would have made an ill use of it, but that he was for it now, because he was satisfied the present ministers would not abuse it.

Upon the whole matter the question being put, That this bill do pass, it was carried in the affirmative by 264 votes against 121; and Mr. Hampden was ordered to carry the bill back to the Lords.

Bill relating to High Treason thrown out by the Commons] May 2. The Lords having sent down to the Commons a bill, intitled, 'An act for allowing of counsel to all persons who shall be proceeded against in parliament for any crimes of Treason, or Misprision of Treason;' to which they desired the concurrence of the Commons, the said Bill was read the first time; and after some debate, the question being put, that it be read a second time, it passed in the negative. By this bill counsel for prisoners, in cases of High Treason, were to be permitted to speak to matters of fact as well as points of law.

The Act for restraining the King from going out of the Kingdom, repealed] The king having resolved to visit his German dominions; and by the Act of Settlement his majesty being restrained from going out of the kingdom, without consent of parliament, a motion was made by sir John Cope, and seconded by Mr. Hampden, for bringing in a Bill to repeal that clause of the said Act; which bill was accordingly brought in *nem. con.* and past into a law. *

Proceedings respecting the unusual Liberty allowed to Persons committed to the Custody of the Serjeant at Arms.] May 31. Mr. Cholmley reported from the committee, who were appointed by the House of Commons to inquire into the causes of the unusual liberty that has been allowed of late to Persons committed in the Custody of the Serjeant at Arms; whereby they have had opportunity to make their escapes, the matter, as it appeared to the Committee; which he read in his place, and after-

* "Before the king went abroad, he made the following creations and promotions: Thomas, lord Coningsby, of the kingdom of Ireland, baron Coningsby, of Coningsby, in the county of Lincoln; Sir Richard Onslow, baron Onslow, of Onslow, in the county of Salop; Thomas Newport, baron of Torrington, in the county of Devon, William Cadogan, baron of Reading, in the county of Berks; and sir Robert Marsham, baron of Romney, in the county of Kent; viscount Castletna in Ireland, viscount Castleton in England; sir Henry St. John, viscount St. John; George, lord Newburg, of Ireland, lord Newburg, of Anglesey, in Wales; Mr. Edgecombe was made one of the lords of the treasury; Mr. Methuen, one of his majesty's principal secretaries of state; and Mr. Hampden, one of the tellers of the exchequer. Mr. baron Bury was declared lord chief-baron of the exchequer, in the room of sir Samuel Dodd." Tindal.

"When the motion was made by sir John Cope, to repeal the restricting clause, and seconded by Hampden, it passed unanimously, not a single member, amongst many who were dissatisfied with the succession of the Hanover line, venturing to make the slightest opposition to the repeal of a clause, which, however conformable to the hopes of the nation, could not but be considered as invidious and disgraceful to the new sovereign. The ministers were often obliged to make the most pressing remonstrances, as well to prevent the absence of the king, as to hasten his return; these remonstrances were often ineffectual, but always offensive; and Walpole, during the course of his administration, lamented an evil which he had in vain attempted to remedy, and which nothing but the continuance of the restraining clause, or an absolute cession of the electorate could have prevented." Coxe's Walpole.

wards delivered in at the clerk's table: Where the same was read; and is as follows; viz.

That the Committee have examined several witnesses; and find the fact as follows; viz.

"Mr. *Nicholas Ryal* said, That soon after the Revolution, 1688, he was a deputy to Mr. Topham, then Serjeant at Arms of the House of Commons; and so continued till the time of his death; and that he took several persons into custody during that time: That Mr. Topham was a housekeeper in Bartlett's buildings; where he kept four or five prisoners in custody at a time; and when he had not room at home, he used to send them to one of his messengers houses, and not otherwise; and that the prisoners never went abroad without leave of the house, except in the case of two waltmen, who were great dealers, and committed upon the complaint of sir William Whitlock, a member of this house; and then the Speaker, upon their application to him, gave them leave to go out about their business; but Ryal always went with them, and they returned the same night in custody:

"Mr Ryal further said, That sir John Parsons, alderman Sturt, and Mr. Fane, commissioners of the victualling, being ordered into custody; upon their petition to the House of Commons, leave was given them to be confined at their own houses, which were within the bounds of the Victualling-office; and that Ryal lay at one of their houses every night, and, every morning, reported to the Serjeant, That he had seen his prisoners: and, except in the instances abovementioned, he knew of no other enlargement to the confinement of any other persons in custody.

"*Daniel Kingham* said, He was a messenger in the Convention Parliament, under Mr Topham; who kept his prisoners at home, and never let them go abroad without a messenger.

"*John Holingshead* said, That he was a messenger under Mr Serjeant Topham, about 27 years ago, when he lived in Bartlett's Buildings: that Mr Topham used to order his prisoners to a messenger's house; but does not know he ever gave liberty for any to go abroad without a messenger to attend them; and cannot remember, that Mr. Topham ever kept any prisoners at his own house, in his time, except Mr. Grahme and Burton.

"*John Cox* said, He was a messenger under the late Serjeant Powal; and that Mr. Mason, now a member of this House, was committed to his custody; but that he never went abroad without Cox to attend him."

That Mr Serjeant Wiborgh, being examined by the said Committee, touching the matters aforesaid, gave the following Answer; viz.

"That Mr. Wm. Waller was, by this House, ordered into his custody, on the 24th of May 1714, for a breach of privilege, committed against Edward Vaughan, esq. and the said Waller standing out in contempt of the House, upon fresh application, he was ordered into custody the two succeeding sessions of parliament; upon the last of which orders he surrendered himself, and has ever since been in town ready to appear when sent for; though he never was confined to close custody:

"That Mr. Walter Price, an attorney, gave the Serjeant his word for the said Waller's forthcoming; which was all the security the Serjeant had; who sent three several times into Wales to take him, and received, for charges and fees, about 60*l.* by way of composition; of which he might get about 20*l.* clear, above charges, as he believes:

"That Mr. Robert Parker was, upon the 4th of April 1715, ordered into custody for a breach of the privilege, against Mr. Cholmley; and has surrendered himself into custody of Tho. Gregory, one of the messengers; who, being a poor man, and no housekeeper, put him into a friend's house of his, whose name the Serjeant never knew; the said Gregory telling him, That his prisoner should be forthcoming at any time, upon demand, as the housekeeper, the said Gregory's friend, had promised him: that the serjeant received his caption fee of 3*l.* 6*s.* 8*d.*; and was promised that it should be made up a greater sum, when the matter was over. and that this was all the security he had from Parker; who is run away.

"That on the 24th of May 1715, Joseph Calton mayor of Hertford, was ordered into custody for a breach of privilege; but the Serjeant did not send for him, by reason that Mr. Cæsar and Mr. Gulston promised, that he should surrender himself, which he accordingly did in two or three days; and that he never kept him in custody; but Hollingshead the messenger had the care of him; though, by the Serjeant's approbation, Calton was not kept in custody at Hollingshead's house; nor does he know where he was kept for ten months after his commitment, but that Moffett one of his messengers, has now the care of him; but knows not where he is kept: and the Serjeant said, he received 33 guineas upon Calton's account, and believes Hollingshead had 10 guineas; and believes that the money was Mr. Cæsar's; but gave a receipt in Calton's name.

"Robert Moffet, being examined, said, he never had Mr Calton in his custody. That the Serjeant being asked, what was become of one Berrington, a printer, ordered into custody, the 1st of July 1715; he said, that Berrington surrendered himself soon after the order, and was committed to the care of Moffet the messenger; but upon Mr. Gawan Mason's promising, that he should be forthcoming, he gave him his liberty; and does not know where he now is: That he received 20 guineas of Berrington; but returned two guineas back again by reason of his poverty: Moffet said, the Serjeant gave Berrington leave to go home: and the Serjeant further said, That he was no housekeeper, and never kept in close confinement any persons committed to his custody."

And a motion being made, and the question being proposed, "That Tho Wyberg, Serjeant at Arms, attending this House, having by unwarrantable and corrupt practices, permitted divers persons, committed to his custody for notorious contempts of the Privileges of this House, and other great offences, to have their liberty, and discharge, without any order of the House for such discharge, or any leave from the Speaker for such liberty, hath thereby rendered ineffectual the just censures of this House, and has been guilty of a great breach of trust in the execution of his office"

And the previous question being put, That that question be now put; it was resolved in the affirmative. Then the main question being put; it was resolved in the affirmative.

Ordered, That the further consideration of the said Report be adjourned until Tuesday, the 5th of June.

June 5 The House proceeded to take into further consideration the Report from the said committee.

A Petition of Tho. Wiberg, Sergeant at arms, was presented to the House, and read; setting forth, "That the Petitioner is most heartily sorry for having incurred the censure of this House, for having unwarrantably discharged some prisoners, committed to his custody; and permitted others to have their liberty, without any authority for that purpose. which censure the petitioner doth most humbly acknowledge to be just, in the manner your honours have been pleased to pass the same; and in mitigation of his said offence, humbly begs leave to offer to your honours, That the lenity, which he was informed, his predecessors had used to persons ordered into their custody, led him into these fatal errors; but the petitioner humbly assures your honours, that the just sense he now hath of his said misbehaviour, hath wrought in him a most sincere resolution to behave himself as he ought for the future. and praying, That, in compassion to the petitioner's circumstances, your honours will forbear any further resentment against him: and humbly begging pardon; and throws himself on the mercy and goodness of this honourable House."—Ordered, That the said Petition do lie upon the table.

Ordered, 1. "That Mr William Waller, who was committed to the custody of the Serjeant at Arms for a breach of the privilege of this House, committed against Edward Vaughan, esq. a member of this House, and who was unduly discharged out of custody by the said Serjeant, be committed a prisoner to the Gatehouse. 2. That Joseph Calton, mayor of Hertford, who was committed to the custody of the Serjeant at Arms, for a breach of the privilege of this House, in making an undue return of burgesses to serve in this present parliament for the borough of Hertford, and who was unduly discharged out of custody by the said Serjeant, be committed a prisoner to the Gatehouse. 3. That E. Berrington, a Popish printer, who was committed to the custody of the Serjeant at Arms, for printing a false, scandalous, and treasonable libel, intituled, 'The Evening Post, from Tuesday, June 28th, to Thursday June 30th, 1715,' highly reflecting on his majesty, and both Houses of Parliament, and who was unduly discharged out of custody by the said Serjeant, be committed a prisoner to the Gatehouse. 4. That Robert Parker, who was committed to the custody of the Serjeant at Arms, for a breach of the privilege of this House, committed against Hugh Cholmly, esq. a member of this House, and who has escaped out of custody, be committed a prisoner to the Gatehouse. 5. That Mr. Speaker do issue his warrants for the commitments of the said William Waller, Joseph Calton, E. Berrington, and Robert Parker, accordingly"*

The Commons' Replication to the Earl of Strafford's Answer.] June 14. A message was sent from the Commons to the Lords, by Mr Aislabie and others: with a Replication to the earl of Strafford's Answer, put in to the Articles of Impeachment exhibited against him. (See p. 346;) which was read as follows:

"The Commons have considered the Answer of Thomas earl of Strafford, to the Articles of Impeachment exhibited against him by the knights, citizens, and burgesses, in parliament assembled; and do aver their Charge against the said Thomas earl of Strafford, for high crimes and misdemeanors, to be true; and that the said earl is guilty of all and singular the Articles and Charges therein respectively contained, in such manner as he stands impeached; and that the Commons will be ready to prove their charge against him, at such convenient time as shall be appointed for that purpose."

After Mr. Aislabie was withdrawn, his Lordship complained of the dilatoriness of the Commons in bringing their Impeachment to an issue, as also that some of his accusers were to become his judges (meaning the lord Coningsby and sir Richard Onslow, two of the Committee of Secrecy, whose patents for a peerage were at that time passing) notwithstanding which, he said, he did not doubt but to make his mocency appear.

Protest against the Bill relating to the Forfeited Estates.] June 22. A bill from the Commons, intitled, "An act for appointing Commissioners to enquire of the Estates of certain Traitors and of Popish Recusants, and of estates, given to superstitious uses, in order to raise money out of them severally for the use of the public," was read the third time; and the question being put, That the Bill do pass, it was resolved in the affirmative by 44 voices against 19 Whereupon the following Lords entered their Protest.

* "As for the Serjeant at Arms, out of compassion to his circumstances, no other punishment was passed upon him, than a private intimation of disposing of his place, on the purchase of which he had laid out most of his fortune." Salmon's State.

'Dissentient'

1 "We conceive there is no necessity of this bill, because the ordinary forms of law will bring all the forfeitures of persons attainted into the exchequer much sooner, and with less expence to the public, than will be by this bill.

2. "This Bill takes away the estates of persons though innocent, and subjects them to severe penalties not to be avoided by any method agreeable to reason and justice

3. "It vests all leases for years, of persons attainted, in the crown, from the 24th of June, 1715; whereas by law such leases are not forfeited but from the time of conviction; and this may overthrow the estates of innocent purchasers or mortgagees of such chattel leases, who may have bought and lent their money under the safe protection of the law.

4 "Because, by this bill, all debtors are obliged to discover the debts they owe to any person, to the commissioners, by the 24th of November, 1716, under the penalty of forfeiting double the debt, in case the creditor happen to be attainted at any time before the 24th of June, 1718, although before the 24th of November 1716, he be neither accused nor so much as suspected, and, we conceive, no construction can be made of that clause, from any seeming inconsistency in it, to exempt it from the absurdity and injustice enacted by it.

5 "Because any arguments drawn from any part of that clause, to make the rest of it good sense, were they just, yet we cannot agree to enact such a clause, which must either be not good sense or unjust.

6 "Because every person who has any claim to, or interest in any other man's estate, must make his claim before the commissioners, by June 1717, or else, if the person whose estate is subject to such claim, happens to be attainted by June, 1718, though till then he be never accused nor suspected, they are for ever barred; and no construction was endeavoured to be made of this clause to excuse it from the absurdity and injustice apparent in it.

7. "The act for Irish forfeitures, being urged as a precedent for this bill, we conceive if that act were liable to the objections which this bill is, by having in it the like clauses, yet that is no good reason for the passing this; for if that parliament did a wrong and injustice, it is no argument for this parliament to do the same, lest, in process of time repeated precedents of this kind may become too hard for reason and justice.

8. "Because the general words in this bill may give occasion to the commissioners to think, and the judges to construe, that they have power to summon peers, examine them upon oath, and commit them to the common gaol, which we conceive, was contrary to the sense of the House, and far from their intention to agree to.

9. "Because this bill takes away the power from his majesty of doing the least act of charity to a starving wife and children out of the forfeited estates, except a provision for the wives and daughters of the late duke of Ormonde, the late lord Mar, and the late lord Bolingbroke.

"(signed) Abingdon, Montjoy, Hay, Trevor, Compton, Gower, Strefford, Mansell, Berkeley of Stretton, Aylesford, Foley, Bathurst, Bruce."

The King's Speech at the Close of the Session.] June 26 The King went to the House of Peers, and the Commons attending, his majesty gave the royal assent to several public and private Bills; after which the Lord Chancellor read the following Speech delivered into his hands by his majesty from the throne:

"My Lords and Gentlemen;

"I cannot put an end to this session, without expressing to you my satisfaction in the proceedings of this parliament. The wholesome and necessary laws which have been passed with so much steadiness, resolution, and unanimity, will, I trust in God, answer those good ends which, it is evident, you have had in view, by defeating the designs and reducing the spirit of our enemies, by encouraging our friends, and raising the credit and reputation of the nation abroad to such a degree, as that I may reasonably expect the fruits of a settled government; especially being supported by a parliament zealous for the prosperity of their country, and the protestant interest of Europe.

"I am confident my conduct hitherto, in suppressing the rebellion and punishing those concerned in it, has been such as demonstrates, that I desire rather to lessen their numbers by reclaiming them, than by making examples; but I am sorry to find that the numerous instances of mercy which I have shewn, have had no other effect than to encourage the faction of the Pretender, to renew their insults upon my authority, and the laws of the kingdom, and even to affect, with the greatest insolence, to distinguish themselves from my good and faithful subjects, acting with such folly and madness, as if they intended to convince the world that they are not to be reduced to quiet and submission to my government, by such gentle methods as are most agreeable to my own inclinations.

"Gentlemen of the House of Commons;

"I return you, in particular, my thanks for the supplies you have given; which, although they fall short of the sums you found necessary, and have voted for the service of the whole year; yet, by the encouragement you have given to make them effectual, may, I hope, be so managed as to carry on the current service till another session of parliament.

"My Lords and Gentlemen;

"I am very sensible there are matters of great consequence still depending before you; but as they have hitherto been postponed, out of absolute necessity, by intervening affairs of a more pressing nature and of the most unne-

dinte concern to the peace and safety of the nation. I thought the season of the year required I should defer your further proceedings till the next session, rather than you should be detained out of your respective countries longer than could be consistent with your private concerns.

"I cannot doubt but that, during this recess, you will all use your best endeavours to preserve the peace of the kingdom, and to discourage and suppress all manner of disorders, since, as the first scene of the late Rebellion was opened and ushered in by tumults and riots, so you may be assured, upon what pretence soever they are raised, they can have no other tendency, but to support the spirit of a faction, restless and unwearied in their endeavours to renew the Rebellion, and to subvert the religion, laws, and liberties of their country.

"I design to make use of the approaching recess, to visit my dominions in Germany, and so provide for the peace and security of the kingdom, during my absence, by constituting my beloved son, the prince of Wales, guardian of the realm, and my lieutenant within the same."

Then the Lord Chancellor, by his majesty's command, prorogued the parliament to the 7th day of August; after which it was further prorogued to the 20th of February, 1717.[a]

[a] "A rising of parliament being a kind of cessation from politics, the Free-holder cannot let his paper drop at a more proper juncture. I would not be accessary to the continuing of our political ferment, when occasions of dispute are not administered to us by matters depending before the legislature; and when debates without doors naturally fall with those within the two Houses of Parliament. At the same time a British Freeholder would very ill discharge his part, if he did not acknowledge, with becoming duty and gratitude, the excellency and seasonableness of those laws, by which the representatives of men in his rank, have recovered their country in a great measure out of its confusions, and provided for its future peace and happiness under the present establishment. Their unanimous and regular proceeding, under the conduct of that honourable person who fills their chair, with the most consummate abilities, and both justly gained the esteem of all sides by the impartiality of his behaviour, the absolute necessity of some Acts which they have passed, and their disinclination to extend them any longer than that necessity required; their manifest aversion to enter upon schemes which the enemies of our peace had insinuated to have been their design; together with that temper so suitable to the dignity of such an assembly, at a juncture when it might have been expected that very unusual heats would have arisen in a House of Commons, so zealous for their king and country, will be sufficient to quiet those groundless jealousies and suspicions, which have been industriously propagated by the ill wishers to our constitution."

Addison's Freeholder.

PRINCIPAL OCCURRENCES DURING THE RECESS.—*Riots—The Prince of Wales made Guardian of the Realm—The King goes abroad—Proceedings in the King's Absence—Seditious Papers and Riots—Changes in the Ministry—The King's return—The Swedish Resident seized—Baron Gortz secured.*] "The king had but too just cause to complain of the fresh insults of the disaffected, notwithstanding the many instances of his clemency. For on the 29th of May (king Charles's restoration) the Jacobite and Tory factions had distinguished themselves by wearing oaken boughs, and on the 10th of June, the Pretender's birth day, by wearing white roses. But the spirit of disaffection shewed itself no where more openly than at Oxford. On the 28th of May, the king's birth day, all the windows that were illuminated there, were broke to pieces, as were all the windows that were not illuminated the next day, being the anniversary of the restoration. To prevent the ill effects of this disaffection, soldiers were quartered there, who, as they were cheerfully and peaceably celebrating the prince of Wales's birth day, were insulted by both the scholars and townsmen. Stones were thrown into the windows of the Star-Inn, where the officers and some loyal gentlemen were met, who were attacked by the disaffected party, when they came out to drink the king's and the royal family's health at the bonfire. Provoked by these affronts, the soldiers broke the windows of the disaffected, and committed some other disorders. When the vice-chancellor and the mayor sent up their depositions to court, they took no notice of the insults the officers and soldiers had met with, but only of what the soldiers had done by way of reprisals. As this affair came before the parliament, it will be mentioned more largely hereafter.

"The king, before his departure, appointed the prince of Wales Guardian of the Realm* and

* "The eagerness which the prince expressed to obtain the title and office of regent, augmented the disgust of the king. Conscious that the prince was instigated in most of his proceedings by the duke of Argyle, his groom of the stole, whose fascinating manners and specious address had gained a great ascendancy over the prince, he insisted on the dismission of the duke. Under these impressions, the king was unwilling to entrust him with the government, without joining other persons in the commission, and without limiting his authority by the most rigorous restrictions. With a view of forming a regency under those conditions, he submitted his wishes, through the channel of Bernstorf, to the council. Their answer on this subject, declared, that, 'on a careful perusal of precedents, finding no instance of persons being 'joined in commission with the prince of Wales, 'and few, if any restrictions, they were of opinion, that the constant tenor of ancient practice could not conveniently be receded from.' Although he reluctantly submitted to consign to the prince the sole direction of affairs, yet,

his Lieutenant, during his absence. The titles of duke of York and Albany, and earl of Ulster, were given to prince Ernest, bishop of Osnaburg, the king's brother, who with prince Frederick, was also made knight of the garter. The duke of Devonshire was made president of the council; and his place of lord steward of the household was given to the duke of Kent. The earl of Portland was made marquis of Tichfield and duke of Portland. These promotions were attended with unexpected disgraces. The duke of Argyle, and his brother the earl of Ilay, were removed from all their employments.† They had both distinguished themselves by their zeal and services for the government; and the king had in some measure put his crown into their hands, by placing them at the head of his armies in Scotland. They had all along voted in the House of Lords on the court side; and therefore their removal was the more strange. Whatever might be the cause, their posts were disposed of, to shew there was no room to expect their being restored. General Carpenter was made commander in chief of the forces in Scotland, and governor of Minorca and Port Mahon, and the duke of Montrose was appointed lord clerk register of Scotland, in the room of the earl of Ilay,

"On the 9th of July, the king set out from St James's, took water at the Tower and arrived, about two in the afternoon at Gravesend, where he went on board the Carolina yacht. He was attended by Mr Secretary Stanhope, Mr. Boscawen, comptroller of the household, the officers of the green cloth, and most of his German ministers, who embarked in other yachts. In Margate road they met a squadron of men of war, commanded by admiral Aylmer: and they all made the coast of Holland the 9th of July in the morning. About four in the afternoon, the king went ashore, and passed through Holland incognito; lay at Voorts, the earl of Albemarle's seat, and arrived at Hanover the 15th of July; and on the 20th, set out for Pyrmont to drink the waters.

"The king was absent six months, during which the situation of affairs in Great Britain remained much the same, and all was at last as quiet, as if he had himself been present. The prince (doubtless by his orders) set several prisoners at liberty, and reprieved others. The passage from Dover to Calais was opened, and passports no longer required to go from England to France. The king's enemies affected to believe and give out, that these proceedings were all owing to the prince's good disposition, of which he would have shewn many more proofs, had it been in his power. This was carried so far, that Addresses were preparing at Oxford and Gloucester, and other places, to be presented to the prince, to extol his wisdom in the administration of affairs, and, in particular his affability and graciousness to 'all persons without distinction of parties.' It was soon perceived, that this insinuated a reflection upon the king and his ministry, and therefore it was declared the prince would receive no Addresses that were not directly made to the throne *

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nexed of the title of regent, he appointed him Guardian of the Realm and Lieutenant, an office unknown in England since it was enjoyed by Edward the black prince." Coxe's Walpole.

† "A list of the duke's posts and employments was made public to this effect. Governor and commander in chief, of all his majesty's forces in Scotland, general of the king's armies; lord lieutenant of the shire of Dumbarton; lord lieutenant of the county of Surrey; privy counsellor; colonel of the royal blue regiment of horse; governor of the island of Minorca: governor of Port-Mahon, in the said island; first gentleman of the bed-chamber, and groom of the stole to the prince of Wales; and knight of the garter. Whether he was governor of Edinburgh castle at the time of his being thus dismissed, is a doubt; but to all these is to be added a pension of 2000*l.* per annum, granted granted him by the king. His brother was likewise chief lord of the justiciary, and lord clerk register in Scotland. The hereditary governments, sheriffdoms, &c which the duke and earl possessed in Scotland, they could not be deprived of; neither could the earl be removed from his place in the judiciary which was, as those of the judges are in England, 'quam diu se bene gesserint,' or rather, for life. Of these preferments, posts, and trusts the duke was dispossessed at once. The [illegible]

* "As to domestic affairs, they command me to acquaint you, that they are well informed the whole body of the Tories are promoting Addresses from all parts to the Prince, the heads of which they hear are already sent down, and that the general tenour of them will be to compliment the Prince upon his Regency and upon his shewing himself disposed to be a common father to all his people, in spight of the artifices and insinuation of such as delight in war or bloodshed; by which it is intended to reflect on his majesty's conduct, and stigmatize such of his servants as were most active in carrying on the late war against France, and in pursuing the measures found necessary for suppressing the Rebellion. They are assured that sir John Packington has undertaken to procure such an Address from Worcestershire, and Mr. Bromley another from Warwickshire, and that the same are carrying on in most of the western counties, they likewise bear that some of the discontented Whigs are entered into this project, encouraged by the duke of Argyle, Mr. Lechmere and Mr. Hampden, and though they make no doubt but that the main body of the Whigs will now be upon their guard and oppose a design of such pernicious tendency, yet they find that some well-meaning people have been already drawn in to promote congratulatory addresses to the prince. My lord Townshend and Mr. Methuen are of opinion that this is the [illegible]

"The papers and speeches of some of the rebels that were executed, particularly of Mr. Hall and Mr. Paul, made great impression on many people. Their execution, instead of lessening, rather increased the number of the Jacobites; nor were they deterred from declaring themselves. Seditious sermons were preached, and libels against the government were published. By these means a spirit of mutiny and rebellion was kept up among the disorderly rabble. So great was the disaffection to the government at Oxford, that soldiers were quartered there, to keep the scholars and townsmen within bounds. Nor were these riotous proceedings confined to England; for the Pretender's friends at Edinburgh had like to have freed a great number of lords and gentlemen imprisoned there, on account of the rebellion.

"A considerable change began now to be made in the ministry. The earl of Sunderland, who had gone beyond sea, under pretence of travelling for his health, had taken the opportunity of waiting upon the king at Hanover, and by his intrigues with the German ministers there, particularly the barons Bothmar and Bernsdorff, and Monsieur de Robethon, infused a jealousy into him of the lord Townshend and Mr. Walpole; so that on the 11th of December, an express arrived in England from Hanover, and the next day it was publicly known, that lord Townshend was removed from his place of Secretary of State. This was however softened with an account, that his lordship was to be advanced to the post of lord lieutenant of Ireland; the duke of Grafton, first lord-justice of that kingdom, being appointed colonel of the royal regiment of horse-guards, lately commanded by the duke of Argyle; and the earl of Galway, the other lord-justice of Ireland, being to enjoy an honourable pension during life. Two days after, the duke of Roxburgh was made secretary of state, and keeper of the king's signet in Scotland. The lord Poleworth was appointed lord clerk register in the room of the duke of Montrose, who was made keeper of the great seal of Scotland. The duke of Kingston was appointed keepar of the privy seal, and the earl of Sunderland sole treasurer of Ireland for life. In this disposition things remained till the king's return; and the lord Townshend's removal affected no more for the present than himself; though the divisions in the ministry seemed irreconcileable.

"The king, having finished all his affairs abroad, set our from Hanover the 19th of Ja-

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it manifestly tends to set up the son against the father, and to lay a lasting foundation of uneasiness and distraction among those who are best affected to the royal family: however they think themselves obliged to do his royal highness the justice to declare, that they neither hear, nor can perceive by any observations they have yet been able to make, that he has given the smallest encouragement to these Addresses. The only remedy they can foresee for this and other growing evils is, what I had the honour to mention to you in my last, that his majesty should take the resolution of coming over to hold the parliament, and that it should be known immediately he has such an intention." Coxe's Walpole. Correspondence between Stephen Poyntz and Secretary Stanhope.

"Since I troubled you last, you had an account by another hand of the apprehensions we had of Addresses, that were set on foot in several parts of the kingdom, which we heard no more of till yesterday, that Gilas Erle (the duke of Argyle's Erle) that sold t'other day, brought an Address to Mr Methwyn from Gloucestershire. The Address is to the prince, and contains nothing in it that is very liable to objection; but Mr Erle having no concern in that country, Mr. Methwyn told him, if any gentlemen that was thought proper to deliver it, should desire it of him, he would not refuse to introduce him, which was all he could do. Mr. Erle then left the Address with him, but upon second thoughts came for it again in the afternoon, and said he would deliver it himself. It is observable though there is nothing very material in this Address, it comes from the county where an Address of another spirit was refused; and it seems, since they could not have such a one as they wished, they would rather have such a one as the Whigs would sign, and could not be objected to, than have none at all, and thus, is certainly meant as a forerunner to others that are ready prepared, and will be of that style which you were before acquainted with. We have reason to believe there are some more in other counties ready to be sent up, which may be in themselves not very significant, but only to introduce the humour of addressing, which when begun, if it meets with encouragement, you may depend upon it, will be followed in such a manner, as to compliment the prince at the expence of the king and his servants, for this was most certainly the first design, and can be of no other use. The Tories are waiting for the event, and flatter themselves with no small advantage from it."

"Since I wrote the first part of this, the Gloucestershire Address has been delivered, which his highness was prevailed upon to receive in the best manner that could be wished. He told Mr. Erle that presented it, he was obliged to the gentlemen for their zeal and [illegible] to Secretary Stanhope.

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tentum, but desired he would let them know, that it was more agreeable to him to have all things of this nature addressed to the king. It cost some pains to bring his highness to this temper, and will be a great disappointment to the managers of this affair. It is worth notice that Mr. Pechmere was the penman of this Address. Lord Townshend gives you an account of this in his public dispatch, and begs you will give such a turn to it in your answer, as may please and encourage the prince in this instance of his duty and regard to the king." Coxe's Walpole. Correspondance; Robert Walpole to Secretary Stanhope.

nuary, N S. and in ten days landed at Margate, from whence he proceeded to London.

"It was expected the parliament would have immediately met, but their meeting was put off for some time, on account of a surprizing event. On the 29th of January, Mr. Secretary Stanhope communicated to the privy-council, the informations the king had received of a conspiracy, which had for some time been carried on to excite a new rebellion, and to favour a foreign invasion. The same night, major Smith, an Irish officer, who was no longer in the service, and who, that very evening, had been playing at basset, at the apartments in St. James's, was seized at his lodgings; and, about twelve o'clock, lieutenant colonel Blakeney, with a detachment of the foot-guards, secured the house of count Gyllenburg, the Swedish resident. Not long after major-general Wade, attended by the colonel, went and knocked at the door of the Swedish minister, and being admitted, found him making up some dispatches. Having, in a few words, made him a compliment, and acquainted him with his commission to put a guard upon his person, and to secure his papers, he laid hold on such as were on the table, and demanded those that were in his scrutoire. Count Gyllenburg's surprize raised in him an extraordinary emotion, which made him expostulate with some warmth about the law of nations being violated in his person; but, having somewhat recovered his temper, he desired leave to send for the marquis de Monteleone, the Spanish ambassador, that he might consult with him, how to act on such an occasion But general Wade, having positive orders not to let him speak with any person, could not grant his request On the other hand, the count's lady having refused the keys of the scrutoire upon pretence there was no thing in it but linen and plate, the general caused it to be broke open; and, having found in it a great many papers, he sealed them all up, and left a strong guard upon the resident. The same morning Charles Cæsar, formerly treasurer of the navy, and member of parliament for the borough of Hertford; and sir Jacob Bancks, formerly member of parliament for Minehead, were apprehended, upon suspicion of being in confederacy with count Gyllenburg.

"There were several conjectures as to the means of this important discovery. Some affirmed, the king had long before notice of the design from France; others, that the discovery was owing to an intercepted letter from count Gyllenburg to the lord Duffus, prisoner in the Tower: And others asserted, the lord Duffus accidentally revealed the conspiracy to an English lord, his fellow prisoner, who discovered it to the government, and thereby merited his pardon. Be this as it will, it is certain, that the king and his ministers had long before entertained suspicions of the count's clandestine practices; which were not a little increased upon the publication of a libel about September 1716, intitled, 'An English Merchant's 'Remarks upon a scandalous Jacobite Paper 'published in the Post-Boy, under the name 'of, A Memorial presented to the Chancery of 'Sweden, by the resident of Great Britain' Of which libel count Gyllenburg was suspected to be the author, as afterwards appeared by his letters.

"The securing the person and papers of a public minister, being an affair of no extraordinary nature, and some foreign ministers having expressed their resentments of it at court, they were given to understand, that in a day or two they should be acquainted with the reasons for proceeding against the Swedish minister in such a manner. Accordingly, the secretaries of state, Mr. Stanhope and Mr. Methuen, wrote a circular letter to the foreign ministers of their respective districts, who were pretty well reconciled to the proceedings of the court; only the marquis de Monteleone, the Spanish ambassador, said in his answer to Mr Stanhope: 'That he was sorry no other way could be found out, for preserving the peace of his majesty's dominions, without arresting the person of a public minister, and seizing all his papers, which are the sacred repositories of the secrets of his master; and, in whatever manner these two facts may seem to be understood, they seem very sensibly to wound the law of nations.'

"Not many days after the seizing of count Gyllenburg, baron Gortz, minister and favourite of the king of Sweden, was likewise secured in Gnelderland, in the following manner: Mr. Leathes, the British resident at the Hague, received the king's orders to desire the regents of that state to consent to the seizing of baron Gortz, with his two secretaries, M. Stambke and M. Gustavus Gyllenburg, the baron having for some time been concerned in carrying on a correspondence, and concerting measures with the British rebels in France, and with several persons in England, by means of count Gyllenburg, for raising a rebellion in England, to be supported by a foreign force. Mr Leathes went immediately to Amsterdam, and disposed the magistrates of that place to consent to the securing of baron Gortz, in case he should come thither from France: and returned back to the Hague. The same night baron Gortz arrived there, having heard at Calais, of count Gyllenburg's being put under arrest, which prevented his going over to England, as he intended. He had, on the 18th of February, a conference with the imperial minister, wherein he extolled the inclination of the king of Sweden to peace, and insisted on a resolution about his last propositions; but, the next day, he set out, a little before noon, in a post chaise, accompanied by general Pomatowski, having, as it is believed, had some notice, that orders were given to secure him, which indeed he narrowly escaped. For, upon Mr. Leathes application, the council of the States of Holland met, and passed a resolution for seizing the baron and his secretaries; but, before it could be executed, the baron and M Stambke were gone that morning for Amster-

dam; so that only Mr. Gyllenburg was then taken. A party of horse was immediately sent after the other two, and Mr Leathes followed them to Amsterdam, and, learning where baron Gortz was lodged, he went, accompanied with the proper officers, to the house of M Tertsen, a Swedish merchant, and searched it; but the baron had left it some hours before. However, a box was found, in which were twelve large packets of letters; and, information being given which way the baron had taken, some persons were dispatched after him, who seized him and Mr. Stambke at Arnheim, by leave of the magistrates of that place, as they were taking coach to go on from thence. Mr Leathes, being returned to the Hague, waited on the deputies of the province of Guelderland, who thought fit to write a letter to the magistrates of Arnheim, ordering them to cause the baron and M Stambke to be kept in safe custody. On this occasion, all those of the regency, who were applied to, entered readily into the reasonableness of the king's demand, and gave all the assistance and dispatch, that was consistent with the known forms of proceeding in that country. It is observable, that, when baron Gortz was seized, he owned himself to have been the projector of the intended Invasion of Great Britain, by the king of Sweden, and that he had actually provided ten thousand arms, and other necessaries for this service, valuing himself very much upon what he had done in this affair, as thinking it extremely for the interest of his master, and a noble and glorious enterprise." *

SECOND SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on opening the Session.] February 20, 1717. This day the King came to the House of Peers, and the Commons being sent for and attending, the Lord Chancellor read his majesty's Speech as follows:

"My Lords and Gentlemen,

"I was in hopes that the success which it pleased God to give us, in defeating the late Rebellion, might have secured to the nation, peace, plenty, and tranquillity

"My endeavours have not been wanting, during your recess, to improve the happy prospect which was in view, by entering into such negotiations as I judged most conducive to those good ends; and it is with pleasure I can acquaint you, that many defects in the Treaty of Utrecht, which very nearly affected the trade and even the security of these kingdoms, have been remedied by subsequent Conventions; the happy consequences of which have already very sensibly appeared by the flourishing condition of our trade and credit.

"By the Alliance lately concluded with France and the States General, we are soon to be eased of all future apprehensions from Dunkirk and Mardyke; the Pretender is actually moved beyond the Alps; his adherents are deprived of all hopes of support and countenance from France; and even the assistance of that crown is stipulated to us in case of exigency.

"It seemed reasonable to expect, that such a situation of affairs at home and abroad should have recovered, from their delusion, all such of our subjects as had unhappily been seduced by the craft and wickedness of desperate and ill-designing men, and thereby have afforded me the opportunity which I desired, of following the natural bent of my inclinations to lenity, by opening this session with an Act of Grace; but such is the obstinate and inveterate rancour of a faction amongst us, that it hath again prompted them to animate and stir up foreign powers, to disturb the peace of their native country: they will choose rather to make Britain a scene of blood and confusion, and to venture even the putting this kingdom under a foreign yoke, than give over their darling design of imposing a Popish Pretender.

"I have ordered to be laid before you copies of Letters which have passed between the Swedish ministers on this occasion, which contain a certain account of a projected Invasion; and I promise myself, from your experienced zeal and affection to my person and government, that you will come to such resolutions as will enable me, by the blessing of God, to defeat all the designs of our enemies against us.

"Gentlemen of the House of Commons;

"I did hope the putting an end to the late Rebellion would have so far secured the peace and tranquillity of the nation, that I might, consistently with the safety of my people, have made a considerable reduction of the forces; but the preparations which are making from abroad to invade us, oblige me to ask such Supplies, as you shall find absolutely necessary for the defence of the kingdom.

"You are all sensible of the insupportable weight of the National Debts, which the public became engaged for from the necessity of the times, the pressures of a long and expensive war, and the languishing state of public credit: but the scene being now so happily changed, if no new disturbances shall plunge us again into straights and difficulties, the general expectation seems to require of you, that you should turn your thoughts towards some method of extricating yourselves, by reducing, by degrees, the Debts of the Nation.

"My Lords and Gentlemen;

"I have an entire confidence in you, and have therefore nothing to ask, but that you would take such measures as will best secure your Religion and Liberties: while you preserve those inestimable blessings, I shall sit easy and safe on my throne, having no other view but the happiness and prosperity of my people."

PAPERS RELATIVE TO THE INTENDED INVASION FROM SWEDEN.] The King being withdrawn, and the Commons returned to their House, Mr. Speaker reported his majesty's

* Tindal.

Speech, after which Mr. Secretary Stanhope acquainted the House, That his majesty had commanded him to lay before the House, "Copies of Letters which passed between count "Gyllenburg, the baron Gortz, Spurr, and "others, relating to the design of raising a Re-"bellion in his majesty's dominions, to be sup-"ported by a force from Sweden;" which he presented to the House accordingly, and the said copies were read.—They are too voluminous to be inserted at full length in this work; we shall therefore present the reader with the following faithful Abstract of the said Letters;

The first Letter is from baron Sparre, to count Gyllenburg, dated at Paris, September 25, 1716; in which the Baron acquaints the Count, "That three days before, he was informed that he [count Gyllenburg] had entered upon business with some lords of the chief of the Pretender's party: that, they took it for granted, he was authorised to do so, by the king of Sweden; and, in a word, that he was inclined to believe, That his Swedish majesty would espouse the interests of that prince. In the first place," adds the baron, "I will tell you that I shall be charmed with it; and then, that it is not from a motive of curiosity, that I ask, whether what I have heard be true; but, that I may co-operate with you, though indirectly, till I have powers like yours, with which, you know, we are obliged to proceed very cautiously. Do me the friendship to let me know, what there is in this matter, as soon as possible. I flatter myself you will find your account in it."

The next is a letter from count Gyllenburgh to baron Gortz, dated London, Sept 29, O. S. Oct 9, N S 1716; which, being very material, deserves to be inserted at length. "In answer to your excellency's letter," says the count, "of the 22d past, I now do myself the honour to acquaint you, that every body here is of opinion, that either France is extremely weak, or else, that the regent amsat the throne, and is desirous to purchase it of king George, at any rate; for otherwise, it is thought impossible, that France could condescend to make so ignominious a sacrifice, as she does, of a work [Mardyke] which cost her so much, and for which the late king would have undergone a ten years war. People go so far here, as to lay wagers, that the young king of France will be dispatched, before a certain time, to make room for his uncle. But, if the report, which is current at present, proves true, that the young king is fallen ill of the small pox, it is very possible, that Providence may confound his vast projects, which among other things, tend to set up the court of Hanover to serve France, in our stead, as a balance against the power of the emperor. and it was with this view, that France already offered, last sprme, to consent to guaranty to the Hanoverians the possession of the duchy of Bremen. If the emperor considers well the time, at which France takes these steps, and England is so forward to answer them, he will find that his last advantage over the Turks has begot a jealousy in those two powers and has made them bethink themselves, in good time, of securing one another, mutually, against his power. I know not with what design it is done but the ministry at present, give out, that the peace of the north is actually in agitation, and that it will be concluded to the satisfaction of the king of Sweden. My friends would persuade me, that this is done, in order to quiet a little the minds of those, whose eyes my paper (Remarks of an English Merchant, &c.) has opened. Be that as it will, I can assure your excellency, that never any paper met with a more general approbation; and, if I might venture to give my opinion, I should think it would not be improper to cause it to be printed in French, in Dutch, and even in English, at the Hague. Your excellency may be assured, that if these gentlemen here make any answer to it, I shall be ready to baffle them intirely, and that there is nothing in the world I should so much wish for Whether they do this, or not, I intend to have several pieces ready against the meeting of the parliament, and to publish them by a little at a time, the impatience of the people here not suffering them to read long deductions; And, if I find wherewithal to defray the expence, I would cause some of them to be printed immediately, and the papers to be conveyed into such places, that it should not be in the power of this court to hinder the impression. The intimations, which have been made me, terminate in bringing in the Pretender; but, as I cannot enter upon that affair, without an express order from the king, my master, I have avoided coming to the particulars.—Two thousand men transported hither from Swedeo, would do the business: and, I believe, we shall not be at a loss for money.—I send you, inclosed, the translation of the Paper, which has been published here."

Baron Gortz, in his Answar, dated at the Hague, Oct. 5-16, 1716, is of opinion, "That hitherto, they need not be much disturbed about the treaty between France and Great Britain," and adds, "That the count's printed piece deserves the approbation it meets with, that he has sent it to the king, and will take care to get translations of it into other languages printed. He desires to know the expence of printing the other pieces of the count's composing: cautions him, not to make any mention, in his letters to the king, nor to his correspondents in Swedeo, of what has been insinuated to him about the Pretender; but that in the mean time, he will run no risque, in acquainting him with all the particulars on that head; and that, above all, it will be necessary to make him clearly understand, how ten thousand men might do the business; that is to say, what scheme has been contrived, and what motive they propose to offer, to induce the king of Sweden to enter into this affair."

Count Gyllenburg, in his Answer, dated at London, Oct. 12-23, 1716, tells baron Gortz, "I say nothing to the alliance lately made by

France. Last spring, France offered the Hanoverians their guaranty of the possession of Bremen, and I doubt not, but they have now done it: How do we know, but this may produce good dispositions at Vienna towards us? It was in jest only, that count Volkra told M Petkum, that his master would enter into that alliance. I am very glad, that my pamphlet meets with your excellency's approbation I assure you, that to print the pieces, that will be necessary, will cost me, at least, sixty pounds Printers must be bribed to it, for they run great risques in printing any thing that displeases the government. but I will keep an exact account of every penny. I would begin with our Treaty, and make short remarks upon it. Afterwards, I will print extracts from the custom house, to show the little necessity there is of the trade to Petersburgh and Riga, especially this year Then I will come to the Hanover declaration of war, and will examine it, if it be necessary. After that I will proceed to every one of our enemies, and I doubt not, but to undeceive the nation."

To this letter count Gyllenburg subjoins this remarkable postscript: "Your excellency will have seen by my last to M. de Mullern, what I have written upon the subject in question. You will be pleased to send, or keep back that letter, just as you shall judge convenient. However, I beg you would be pleased to inform me which you do. There is no medium; either Bremen, or the Hanoverians, must be sacrificed. The latter is not so difficult, considering the general discontent. Ten thousand men would be sufficient. The male-contents require but a body of regular troops to which they may join themselves. That body, being transported in the month of March, when the easterly winds reign, and when it will not in the least be dreamt on, will cause a general revolt. We must also have arms for between 15 and 20,000 men, and as many accoutrements as can be got; for, as to horses, we shall have them here. Your excellency may easily judge of what advantage this will be to the king; and in my poor opinion, we have no other course to take, unless we are willing to give up every thing. My friends are not in town, but I shall speak with them some day next week: and then your excellency may expect their scheme: in the mean time, I should be of opinion, that if the business could be done, without making use of a great many English, there would be the less risque run; for I do not know, whether I ought to touch upon what the king must have further. for although they will endeavour to do everything that I ask, yet, as it must be by a contribution raised amongst a great many, it may happen, that there may be a false brother. Our men once landed, I answer for the rest. In the meantime, I beg you would remember what I had the honour to write to you, last summer, concerning one N———— Nobody knows the sea and the coasts better than he, and he is a brave and honest man In short it will be a glorious enterprize, which will put an end to all our misfortunes, by ruining those who are the authors of them As to what I have to say of the time, the sooner the better, after the trade of Gottenburg is ended, or before it begins."

The next Letter is from count Gyllenburg, to his brother Gustavus Gyllenburg, secretary to baron de Gortz, dated at London, October 16 27, 1716, in which the postscript to baron Gortz, is only material, which is as follows. "I have since spoken with two of the principals, who have assured me, that there shall be 60,000*l* sterling, ready, as soon as I shall shew them a line from the king, with assurances under his own hand, that he will assist them. As for the scheme, I shall have it within a few days One of them, who is the chief promotor of this affair, assured me, that we had nothing to apprehend from the Regent on this occasion."

By a Letter dated at the Hague, November 3, 1716, M. Gustavus Gyllenburg acquaints his brother tha count, that he has given baron Gortz his letter of the 16-27th of October, to read, as well as the note therein inclosed; to which he made him the following answer: "It is my repeated advice, to forbear speaking any at all of money; but to hear people only, sons to learn clearly what they are able and disposed to do, and to acquaint me with it, without opening yourself to them."

The next Letter is from count Gyllenburg to baron Gortz, dated at London, November 4, 1716, as follows; "In answer to what your your excellency has done me the honour to write to me in the postscript to your letter of the 16-27th past, I grant there will be no harm in hearing the insinuations of this court, if they were made not only without my promising to make report of them to his majesty, but also my giving them hopes of his majesty's being resolved to be reconciled to the Hanoverians, and to sacrifice Bremen to them for some equivalent on the part of the czar. But as, without that, they will make no overtures, for fear we should make use of them to increase still more the distrust, which is between the northern allies, and so make an advantage of them; it is not in my power, to get any thing particular out of them; nor am I able to say of what service to us their assistance against the czar would be; but if I were to guess by their discourse, who have been talking with me about it, as from themselves, though I easily perceived it was by order of the ministers, I should believe, that, if the preliminary concerning Bremen was settled, the English ministers would be very well pleased to retrieve the false step they have made, by talking loudly of the defensive treaty between us, and by persuading the nation to give us the succours therein stipulated, either in money or ships I should fancy also, that we might come to an agreement in relation to what they ought to help us to take from the czar, by way of reprizal for our losses in Germany. On the other hand, and if we do

not submit to them, your excellency may be assured, that, as well to justify their past actions, as to force us to a compliance, they will prevail upon the mercenary parliament, which they have at present, to take vigorous resolutions, and even to declare war against us. This is what we must expect. The English ministers do not mince the matter; and they have already made it appear, that they will stick at nothing. They are all furious persons Sunderland, who is, in a manner, at the head of affairs, and who has got all the interest he has with the king of England, by having consented to what has been done against us (being besides our enemy) is at present at Hanover, to take his instructions from the Germens, and your excellency may depend upon it, he will execute them with all the boldness [Effrontene] imagineble. Your excellency will therefore find, we ought to make use of this opportunity to enter into measures against people, who certainly will not do things by halves. We must either ruin them, or be undone ourselves, that is, if it be in their power to bring it to pass.

"Postscript. My friends are now in town. An express, which came to them yesterday from the pretender, will put them in a better condition for forming a plan. To day they are going about it. There are only five or six of the most considerable persons consulted. They would know, in case we agree, whether the money must be paid here or elsewhere, or if it must be sent over to Sweden They have also asked me, if we had any occasion for seaofficers, for than they could furnish us with good ones."

In another Letter, at London, November 13, 1716, count Gyllenburg made good his promise to baron Gortz, about giving him his sentiments about the business contained in the baron's last postscript "The sum thereof" says the count "is what I have already hinted, that we must determine one way or other, and that very speedily. We have not, in my humble opinion, any time to lose in consultations If we do not take advantage of their present animosity, it will cool; for the court, that is to say, the prince's party, does all that is possible to gain them. With the most considerable, it would perhaps be necesary to go on roundly. They run the hazard of their lives and fortunes in declering themselves, so that they will not speak but upon good security. And as to the people of the second rank, besides that it would perhaps be dangerous so much as to hearken to their proposals, these proposals of theirs are of so little consequence, and so confused, that we should not be able from them to form any idea of the affair I should likewise be of opinion, that, till I receive fresh orders from your excellency, the safest way will be to avoid all conversations of that kind"

The next Letter is from M. Gustavus Gyllenburg to the count his brother, dated at the Hague, November 17, 1716, the substance of which is as follows: "On Tuesday last arrived here a letter from baron Sparre, importing, that he had hopes of succeeding in his solicitation, to have Mr. Lench sent to the king. In his letter was inclosed one from the duke of Ormond to baron Gortz, in which the duke says, that the king his master had ordered him to let him [Gortz] know, that he expects shortly a supply of money, that he will then remit sixty thousand pounds sterling to his Swedish majesty, leaving the disposal of it to him; and that he begs him to look upon this as an earnest of his good will to him. The bearer of this letter added, that the remittances might be made either to —, or to — M. Sparre has since told the baron, in confidence, of the men of war that we have brought in France, which will be ready and delivered And that we are soliciting the court of France to send a person to the czar, to make advantage of the pacific disposition he is now in. But as this solicitation meets with many obstacles, and that, besides, France does not appear over forward to do any thing for us, unless it be in concert with England. M. Sperre takes notice, that my lord Mar has a cousin-germen, named Erskine, with the czar, who is physician and privy-counsellor to that prince; which favourite has wrote letters to my lord Mar, giving a very particular account of the czar, viz. That the czar will not attempt any thing more against the king of Sweden; that he has fallen out with his allies; that he can never be friends with king George; that he hates him mortally; that he is sensible of the just cause of the Pretender; that he wishes for nothing more than a conjuncture, in which he may be able to restore him to his dominions; that the czar, having the advantage wholly on his side, cannot make the first step; but, if the king would make the least advance, there would be very soon an accommodation between them. The Pretender has sent to desire baron Sparre to procure him leave to retire to Stockholm. M Sparre has returned answer, that, as this would be the same thing as declaring war by sound of trumpet, it would absolutely spoil the business in hand."

In this Letter, M. Gustavus Gyllenburg inclosed the copy of another Letter, from baron Gortz to baron Sperre, dated November 12, 1716, as follows: "I still look upon the sending Mr. Lench as very uncertain, because, I am persuaded, that France will not take any step, that may give the least suspicion, or by which they may disgust England, before they have finished the treaty of alliance, that is now depending. Yet methinks they might venture to intimate to the court of England, that they have a mind to send a person to the king, to sound his majesty's intentions more thoroughly touching a reconciliation, and in order to qualify themselves the better to do good offices. As to the affair of England and the duke of Ormond's Letter to me, of which you have sent me a copy, I cannot forbear telling you

frankly, Sir, that, if my scheme upon it be not approved and complied with, I cannot enter at all into that affair. It is upon the foundation of my scheme, that I have actually opened the matter to the king; and it would be directly to spoil all to make me depart from it. Any reasonable man will easily comprehend the impossibility, in this case, of settling a treaty in form. Doubtless it would be running too great a hazard on both sides, to depend upon its being kept secret. The best way is, to prepare on each side the materials necessary for the work before us. When all is ready for execution, it will then be time enough to make treaties, if it be judged requisite. I do not know, even whether it would be right to do what is desired under the name of lending assistance; and I am very much inclined to think, that it would be better to avow openly our own interest, and the concern we have for maintaining the English liberties. Your friends must place an much confidence in us, as to furnish us with what we want, to put ourselves into a condition of becoming useful to them. The sum required is not exorbitant: 300,000 crowns may satisfy us at present, for we want nothing but to augment our naval force at Gottenburg. I do not see what hazards your friends can run in this. I will give them sufficient security; and, from the humour all the world knows the king to be of, they may very safely conclude, that if his majesty should not be able to satisfy this loan by a real assistance, he would do all he possibly could to reimburse our friends; the rather, because his majesty would not have it known, that he had touched any money for such a purpose as this is sent. These gentlemen might, however, the more to engage the king's affection, give their offer the turn expressed in my scheme: though, for my part, I will not accept it, on any conditions, that may distinguish it from a common loan. But all depends upon their determining speedily, and beginning forthwith, by furnishing the 300,000 crowns for the men of war, without which they must not flatter themselves, that any thing can be done. I am down the scent of getting a fourth hundred thousand even in England. France cannot reproach us with this agreement, while no treaty or convention can be produced to prove it. What I said above, of the cautious behaviour of the court of France towards England, is no doubt applicable likewise to the negotiating of an accommodation with the czar. It is probable, the court of France would not proceed in a negotiation of that kind, but by concert with England; and you will grant me, that this would not by any means suit our interest. This reflection leads me into an opinion, that the canal of France is not at present the most commodious for us. It may suffice therefore to have offered to make use of that canal without pressing the matter further. Nor can M. Leuch be the manager of this negotiation. For going to, and coming from Sweden, at the season of the year we are now in, requires time; and if we come to any agreement with the czar, we ought to conclude it within three months at the very farthest. The canal of my lord Mar seems to be alike inconvenient and impracticable, because of the length of time, which that circulation of correspondence would unavoidably take up. Yet I cannot but think, that, by the canal of the favourite physician, the good dispositions of the czar might be improved, if they are indeed such as have been represented. If the czar comes hither, and one can get a private conversation with the favourite, we might certainly carry things on far, supposing, as I said, that what the favourite has written be well founded. In the mean while I am contriving some other way. If we fix upon a project, that is in any tolerable degree promising, I shall not be withheld by the difficulties and hardships of the voyage from being the bearer of it myself. If in the mean time your friends would enter into my scheme, I should be the more sure of bringing the king to a thorough good liking of their business. But I will not venture to convey any thing of this to his majesty, otherwise than by word of mouth. It is satisfaction enough to me to know originally, that I am in no danger of giving offence to Sweden by the part I take upon me to act in this affair. The fancy of the Pretender's retiring to Stockholm surprises me: It would be blazing abroad our secret intelligence by sound of trumpet."

On the 12-23 of November, 1716, baron Goriz wrote from the Hague the following Letter to count Gyllenburg: "I told you in my letter of Friday, that I deferred answering yours of the 13th, which I am now going to do. You say, Sir, that as to the affair you are pressed about, it would be necessary to go roundly to work with the principals. I am intirely of the same opinion. The business then is to speak plainly. I believe, Sir, it will be thought a sufficient proof of our frankness, to declare as you may do, that nothing is more natural, nor more sweet, than to revenge an affront one has received; but that in point of prudence, it ought to be maturely considered, whether the passion of revenge can produce the desired effect. If your people do but make the least reflection upon this rule, they will undoubtedly perceive, that it is intirely their business to make the success of the enterprize, which they desire, appear probable to us. After that, it will be likewise proper, that they should help us in settling the necessary points, that is, that they should assist us with money. As I run no risque with you, Sir, I make no scruple of telling you in confidence, that the business in hand has for some time been part of my correspondence with ambassador Sparre. The principal members of the present court of Avignon, offer on the part of their master 60,000*l* sterling, to engage the king's affection. I remonstrated thereupon, that the delicacy of the conjuncture ought to caution us against closing too hastily with this offer, but that I proposed to treat upon the foot of a common

loan; and that in that case, being furnished with the king's full power to negotiate money for his majesty's services, I might accept it, giving them assurances on the king's part for repayment; that, if at the same time they would communicate to me a plan of the principal affair, I would not fail to send it to the king; and that, in case his majesty should be unwilling to enter into the design in question, he would at least pique himself upon taking care, that the sum, which I should have borrowed in his name, should be punctually discharged; so that the lenders would run no risque of their money, but that, on the contrary, they would have put it out to a good advantage, and that, in short, the offer being made upon the foot beforementioned, without stipulating any other conditions than being reimbursed, the king might be more effectually wrought upon by that mark of their good will, than by directly soliciting the succours they desire. I added to all these intimations, that, in case the king relished the project of a Revolution to be brought about in England, it might perhaps do better to give this enterprise the turn of its being intended to revenge the unworthy proceedings of the kings of England, and to maintain the English liberties. You have herewith, Sir, the copy of a pecuniary contract, which I have just now settled with some private persons in this country. You will find by it, that there is a considerable advantage to be made, which it was necessary to allow to strangers, since nobody in Sweden had courage enough for it. If your people had a mind to engage in it, abstractedly from the grand affair, I would admit them forthwith as far as the sum of 300,000 crowns. The king's printed patent, whereof you have herewith a copy, sufficiently secures every individual person from all frauds with regard to the States bonds, upon which the money is advanced. But they must determine speedily, or lay aside all hopes, as I have just now observed to ambassador Sparre, in a postscript, which I communicate to you. If the thing be taken upon the foot beforementioned, it may go on; but otherwise nothing can be done. In a word, we must have money, and, after that, we must know what they are in a condition to do in England, and what part they expect the king should take, to put this design into motion, and to support it."

In Answer to baron Gortz, count Gyllenburg wrote to him the following very remarkable Letter, dated at London, Dec. 4, 1716. "As soon as I had received your excellency's letter of the 23rd past, I went to one of the principals at his own house, with whom I have had a long and intimate friendship. I shewed him your excellency's letter, which I inforced the best I could. Whereupon he asked me, whether I had spoke of it to any one of his party? And, I telling him I had not, he desired me, for the love of God, not to do it. We were made to believe from Avignon, said he, that all went on currently: that baron Gortz had accepted our offer, and had given positive assurances on the part of the king of Sweden, of his assistance. We have been pressed on the affair of the money, and to form a scheme; and we have actually applied ourselves to both the one and the other. In the midst of all this, here are three posts arrived from Avignon, and no farther signs are shewn of so much haste. This change has very much perplexed us, we not knowing in what to impute it, unless to the prince's indisposition. But all is now become clear. They were too sure of their point at Avignon; they reckoned immediately on the assistance of the king of Sweden; and now they are afraid, on one hand, of damping our courage, by owning frankly, that they had deceived themselves; and, on the other, they dare not, upon an uncertainty, engage to supply them with money, being sensible, it is the last that we shall give them, if we should find it employed to any other purpose than we designed; and without direct assurances first given of our having the succours we need. You see, therefore continued he, of what consequence it is, if you wish us well, that you do not make known, to any person, what I see our court of Avignon conceals with so much care. If you act otherwise, you will destroy the credit of the chevalier de St. George here, which perhaps will be of necessary use to you, and you will make his adherents your implacable enemies; for, if their design fail, they will be regardless, whether Sweden perishes or not; and yet you know, that it is they, who have hitherto defeoded your cause, as well in the country, as in the parliament of England, and who have obliged your enemies to act with more caution and reserve, than they would otherwise have done. You will still have occasion for their assistance in the next session of the parliament of England, which your enemies are preparing to incense terribly against you, as well by pamphlets, which are already actually in the press, as by petitions of the merchants, who have lost their ships, and who now meet twice a week to consult. Now, (said he) to return to baron Gortz's letter, give me leave to tell you freely, that, if the question was explicitly and simply, whether we should assist the king of Sweden, and we consented, it might then be worth while to ask, what security we required, and what gain we insisted on? But that is not the case at present, nor ever will be. For I must own to you ingenuously, that there are very few amongst us, who have any concern for the interests of foreign princes, any longer than while they affect our own, and that even very palpably: 'Manus nostræ oculatæ sunt; credunt quod 'vident. Our eyes are in our hands; what they 'see we believe.' So that for you to flatter yourselves, that, out of respect or friendship, we should part with our money to any whatsoever, would be to know nothing of us. You can never alter our minds on that article; so you must just take us as we are. As for gain, can we hope for greater in any country, than

what we have at home, without risquing our money? Do not we make seven or eight per cent by the public funds; and this upon the security of the parliament of England, and are paid punctually every quarter? That, this question being utterly unreasonable, it is necessary to form another; and let that be, whether we are willing, by a pecuniary subsidy, to merit the assistance of the king of Sweden? To that I answer roundly, let us but be assured on the part of his majesty, upon whose bare promise we will rely, more than on all the securities and engagements of others: I say, let us only be assured, that by our money we shall merit his help, and actually have it. After this, let us but know what you would have us to do, and we will make such efforts, that his majesty shall not repent of giving his royal word to assist us. But, Sir, (added he) What must we think, when, after a negotiation of three months or more, we are yet in uncertainty upon what ought to be the chief spring of all our undertakings, and are to merit by our money, not the help we ask, but barely an answer, whether we shall obtain it or not? How can we run into expence, expose our friends, and, in short, endanger our fortunes and lives, when perhaps his majesty's refusal may stop us short; subject, among other things, to the fear of being betrayed by those, who, seeing the ill success of our projects, and that there is nothing to be hoped for more on our side, may endeavour to make their fortune, by striking in with our enemies, and sacrificing us —Let us examine all this, and yourself will acknowledge, we should hazard too much in following those, who leave us in such uncertainty; but, on the other hand, what does the king of Sweden risque? Is not our government his enemies in every respect; and will it not assist them more this ensuing year? What can be said against him, if, after the example of Scipio, he carries the war into their country, who have been desirous, and are still so, to carry it into his? This diversion will be no much the greater, as it will be unexpected; and there is the more reason to hope for success, because the whole country is disaffected. It is also probable, that half the army will be disbanded by the parliament of England; and it is certain great part of that army will desert on the approach of a sufficient body of troops —But suppose this enterprize should not succeed, would this government be more bent upon the intire ruin of the king of Sweden than it was before? And, when king George's desire to have the country of Bremen is satisfied, will our government be less solicitous by what means to prevent the czar's aggrandizing himself? Let me beg you (said he) to represent all this to baron Gortz; and I am sure he will change his opinion: and that he will not let slip, by shuffering, an opportunity so beneficial for the king of Sweden, and so glorious for himself. Tell him likewise, if you please, that there is nothing more proper than what he demands as to a scheme; and the means of supporting the affair. But he must give us the encouragement to see, that our arms not labouring in vain, and running all hazards without any fair prospect. One positive assurance given at Avignon will put all in motion; but without that, all will flag. As to the colour, which the king of Sweden may put upon his enterprize, I shall always have that opinion (said he) which baron Gortz himself would have me entertain of his scheme, namely, that the king of Sweden intends sincerely to restore the Chevalier. But I am much afraid, that the rest of my party will take this affair to quite another light; that is to say, that they will imagine his Swedish majesty, having not given any promise to our Chevalier, nor declared for him, will make no other use of this enterprize, than only to compass his own designs, exclusive of the Chevalier, and to oblige king George to come to better terms. But in this he will find himself deceived; for, the greatest part of the nation being at present inflamed with Jacobitism, and set a looging for the return of him, whom they believe their lawful sovereign, they will not join any person, who does not declare openly for him: on the contrary, perceiving it is only a foreign quarrel, which draws the king of Sweden hither, vexed to see their expectations frustrated, and not knowing how far his majesty's resentments may go, and who will be exposed to his vengeance, or who be exempt from it, they will fall into the common humour of the nation, which is to unite all, notwithstanding their past feuds, against a foreign power —This is so true (continued he,) that if the chevalier de St. George had not an English father, and been born in England, all his pretensions would avail him nothing with the common people; who, when the contest shall be only between foreigner and foreigner, will certainly declare for him in possession, without much regard to the justice of the cause.—For what remains (added he) I intirely agree, that the maintaining of the church of England ought to be one topic in the king of Sweden's manifesto. This is the more necessary, because it would serve to settle the minds of such as are disturbed about the Chevalier's religion. His majesty likewise would act in his known character, which is to be, on all occasions, solicitous for the welfare of the Protestant religion.—This, Sir, is what was most material in my conversation with my friend, who, I assure your excellency, is a man of solid judgment, and so well informed of what passes at Avignon, that he told me a long time ago what was negotiated there on our part, though I took no notice of it, while I saw nothing particular about it, either in your excellency's letters, or in those of Monsieur Sparre. He even told me, that a certain relation of my lord Mar's was confident of doing us very good offices with the czar; and that it had been intimated to baron Sparre But, being tender of intruding into the provinces of others, I reckoned your excellency would be better informed of this the direct way."

"In answer to this letter, baron Gortz wrote

the following Letter, dated at the Hague, December 11, 1716, to count Gyllenburg: "I have received your agreeable letter of the 4th instant. I shall have the honour to answer the contents of it; that the stronger the reasons are, which are alledged to make us enter into the affair you know of, the more should people be persuaded of the true desire, that we have to undertake the thing. It is superfluous to suggest motives to us, and we have no need of a spur. As I run no risque with you, Sir, I will freely tell you, that, even before my departure from Sweden, we were already, on our side, disposed to this expedition. It is easy to believe, that those dispositions are since increased in proportion as the animosity of the court, where you are, hath continued increasing. There is therefore now no other question, but of the means to satisfy our just desire of revenge. We have in Sweden troops more than enough for that purpose; but what suspends our entering upon action is; that, First, we have not the ships necessary as well for transporting the troops, as for the convoy itself. Secondly, we do not know how it is proposed to maintain the troops when they shall be arrived at the place intended. Thirdly, horses must forthwith be found to mount the cavalry. It is well known, that when one enters into an open country, the first impression must be made by the cavalry. Fourthly, we must know the number of troops, that is thought requisite for this expedition, in order to regulate thereby the armament of the ships.—It is true, Sir, that, for several months last past, we have had some preliminary negotiation upon these matters with the court of Avignon. They have declared themselves very well satisfied with the manner, in which we have spoken to them, and have promised not only to give the necessary explanations upon the advances of money proposed, but also to furnish instantly wherewithal to prepare on our side, during this winter, every thing, that concerns the first step; being themselves of opinion, that, if any thing be intended to be done, it must be entered upon immediately after the obstacles, which a hard winter might bring to navigation, are removed, but hitherto all this has ended only in vain hopes. However, I have not, on my part, lost any time for this enterprize. I have bestirred myself to find out men of war: I have actually found out some, and have even made bargains for purchasing six of between sixty and seventy guns, all armed and rigged; and they are to be delivered at Gottenburg in the beginning of the month of March. The advance of money, which I asked from the court of Avignon, was only designed for the purchase of those ships; and the sum did not exceed 60,000*l*. If I have proposed the expedient of furnishing us with this money upon the foot of a common loan, it was only done, Sir, with a view, the better to secure those, that were concerned on both sides, from the danger of a discovery, and those, that should give the money, against the accidents, to which any such thing must be, that might render the design impracticable. It is also the fear either of some treachery or disappointment, which cannot be foreseen, that will hinder us from declaring before we come to the place, where we are to shew ourselves. Our friends will have nothing to object against this precaution, if they will but consider, that, if we throw off the mask too soon, and should afterwards miss our blow, we should give the English ministers a very good argument to carry the nation into a war against us, into which they would not have a great deal of trouble to draw Holland also. This is a risque of the last consequence; and would they have us run into it, Sir, for a trifle? I do not know how else to stile the money-business in question.—The naval armament at Gottenburgh can not be useful to us, unless for the design, which they propose to us; and the money we ask will not be sufficient even for that armament.—As to the rest, however just and solid I allow your friend's reasoning in other matters, yet I cannot reconcile the opinion, which your friend seems to have of the good faith of the king, and his interest, with the fear, which is nevertheless shewn, that we have no other and then to procure for ourselves the reunion of the duchy of Bremen.—Pray, Sir, which way can the king of Sweden better secure himself the recovery and possession of his said duchy, than by reducing king George to be nothing more than an elector of the empire? By which means the king of Sweden will make himself be courted by the house of Lunenburg, as in former times. Can good faith and a man's word be put in the scale against so solid and so evident a reason, after we have experienced how little account ought to be made of a security founded in words or in treaties? To be short, Sir, the question is with us no affair already decided; nothing remains but to consider the means.—As I understand the matter, those that shall furnish the money, will be in no danger; they may give it under the name of Dutch merchants, and under pretext of the great gain that is to be made in dealing with me. The better to colour the thing, they may even give commission to some English merchants, to make an agreement with me upon the foot of the contract, which I have had the honour to communicate to you. After this there would remain no other risque than that of losing the money, in case the design should not be executed; but, if they had the least confidence in the word of the king, this scruple would vanish immediately. His majesty piques himself too much upon performing his engagements, to leave any room to mistrust him. We have fresh proofs of this, notwithstanding the vast expence that we are obliged to bear; his majesty would have the pretensions of Mr. Cook, and the other merchants in France, touching the money advanced to him in Turkey, satisfied, and I have actually paid those creditors.—To conclude, I must tell you again, Sir, that they must come to a resolution speedily, or think no more of the affair for all this year.—It

would also be necessary, that those, who mean us well, should labour to get half the troops that are now on foot in England, broken, and to hinder any naval armament till the month of May.—It concerns us also to know, for our direction, what number of regular troops will remain, after they shall have got one half of them disbanded. I reckon, that we might employ from ten to twelve thousand Swedes in this expedition; amongst whom there should be 4,000 horse.—When things shall be put upon the foot abovementioned, I intend to go into Swedeo myself, to push on the execution; for I do not like to rely on the care of others in such a particular. I had also rather concert this affair directly, and with you, than by the other way, which I think too long. My lord's relation hath indeed sent word, that the czar has some dispositions to peace, which we will not fail to make advantage of, that we may be in a condition the better to push on the affair in question. The czar is to be here very speedily. If it could be ordered, that the said relation of my lord Mar should speak to me, I should quickly perceive what might be done there. You will easily judge, Sir, that an agreement with the czar would give great weight to the other affair."

In answer to this Letter, count Gyllenburg, on the 18th of December, N. S. 1716, wrote the following to baron Gortz. "I had received, two days ago, the letter your excellency did me the favour to write me of the 11th, and I have not deferred the execution of your orders one moment. I hope to be able to give you an account of them by the next mail. In the mean time, I shall have the honour to answer to your excellency's postscript, that I shall not fail to govern myself as you there direct. If I have hitherto done otherwise, it has been, that I might not be accused of not representing matters as they were on one side and the other, leaving it afterwards to our ministers to make choice of that, which they thought most proper. Your excellency, according to your wonted goodness, will forgive me, however, for saying, that in my opinion, whatever resolution we take, it would, notwithstanding, be well to keep the people here in good humour; that is, that we should seem not inturely to reject their proposals, or otherwise they will be prying into the motives, which render us so intractable, and will perhaps discover the true one, in which case they will cause it to miscarry. Besides, a little hopes would make them put off longer, the pushing the affair in parliament; and I think that is what your excellency seems to desire. Methinks, to this end, it would be necessary that your excellency should write Parkum an answer, who complains of having received none to his letters, to shew your acknowledgment of the pains he has taken, and to desire him to go on, in order to keep the ministers in the same good way, till your excellency has received an answer to the account, which you have given his majesty of the whole affair; and than we may act with more vigour. As Petkum generally shews all his letters to Townshend and Bothmar, I fancy they will thereby be easily persuaded to believe what they wish. If this letter comes before the arrival of king George, it will perhaps prevent the impression, which the Germans and Sunderland will be apt to make with their usual violence at their first coming over."

The two next Letters relate principally to bills of exchange, shipping, corn, salt, &c. for Sweden, but in one from count Gyllenburg to baron Gortz, dated at London, December 29, 1716, he writes as follows. "I am once more obliged to defer the departure of my express till Friday, one of the principal of our friends being not yet returned to London; but he will be here to-morrow. I have the letters ready for the physician, but dare not venture them by the post. While I am waiting for the principal of my friends, I shall dispatch to-morrow a gentleman to the czar, to endeavour to possess him with pacific thoughts. I have given him letters for my brother, that he may introduce him to your excellency, who will give him such instructions, as you shall judge necessary. He is a Muscovite, by birth, and having been a long time known to my friend, and perhaps even employed on the like messages, he assures me, that we may put intire confidence in him. I have intimated to him, that he may alledge, for the pretext of his voyage, his natural inclination to serve the czar, by which he was induced to discover to him, that king George is making all the offers imaginable to acquire Bremen of the king of Sweden, at the expence of the czar, who is to be the sacrifice of that acquisition. Your excellency will add what other hints you judge convenient. I should think, however, it might be proper, that this man should be kept ignorant of the canal of the physician. I have another letter for him, which may introduce my brother to his acquaintance; and then he may convey messages betweeo your excellency and the physician, till your excellency shall think fit to have an interview with him. We are assured here, that king George will have none with the czar; and they seem to be very little satisfied with that prince.—Your excellency will have the goodness to remember what I had the honour to write to you in my last, about my lord Sunderland. I have learnt since, that that lord does all he can to make those of his party fond of king George's project, to open a port at Harbourg; asserting, that England will gain more by it, than even by its West-India trade. One sees very well whither all this tends. I am working against it. A member of parliament has desired me to inform him of the situation and nature of that port."

On the 1st of January, count Gyllenburg writes thus to baron Gortz, after a long account of private business, hiring of ships, &c. "Since writing what goes before, my friend has been with me, and has told me, that the money, as

far as twenty thousand pounds, was ready, if I would but give my acquittance, that I had received it for the use of the king my master; and this only, that he might have something to shew to those, who made this collection, supposing, that hereafter they should ask for it. I answered him, That I could not give any such acquittance, without your excellency's order, which I would write for this post. He told me likewise, That they had already, by order of the court at Avignon, remitted 8,000*l.* to baron Sparre.—Since writing these lines, the Dutch mail of the 25th is just come in, by which my brother advises me, that your excellency was setting out upon your journey. It will therefore be unnecessary to send the express, especially since the two letters intended are now become useless. I will, however, send a duplicate of this next Monday, by the French post, together with the pieces abovementioned.—Your excellency will receive, this day, the copy of a letter, which M. Petkum writ yesterday to baron Sparre, tha contents of which confirm the ill intentions of those warm men, into whose hands the management of affairs is going to be put; particularly if it be true, as M. Petkum has assured me, that my lord Townshend, to whom he read the said letter, owned, that what he had writ, in relation to our affairs, was true. All that we have to flatter ourselves with is, that the misunderstanding, which there is among these gentlemen, may perhaps be of service to us. Thus much, at least, is certain, that, if we sat ourselves in earnest about the great work, the success cannot possibly fail."

The next is a Letter from count Gyllenburg, to baron Gortz, then at Paris, dated at London, January 7, 1716-17, as follows: "Yesterday I received the Letters your excellency did me the favour to write me of the 29th past. That concerning tha conduct of this court came very seasonably. I gave it to read to one of the principal Whigs, with whom I have found means of contracting a friendship. As I am to dina with him to-morrow, I shall know what effect it has had. He is already in a good way, and I question not but may be carried yet further by such just reasoning.—M. Petkum is charmed with your excellency's Letter to him. He exclaims publicly against the Hanoverians for the gross falsehood they have told of him. I believe him innocent as to this fact. He has told me, he will write himself to your excellency by this post. Mr. Walpole's reply is remarkable. My friend, who is one of the companions of the Whigs, has told me the same thing. If it be not the effect of the present discontent, and the court does not find expedients to regain those people, I do not know whether the court will ever venture to bring that matter upon the stage; but I shall not be satisfied with that.—I am trying to get it brought into parliament my own way. My friend is labouring that point with me, and, to that end, is endeavouring to inform himself thoroughly of the whole. It was for him, that I demanded the other day of your excellency the particulars of Harbourg; and it is likewise upon his request, that I beg your excellency will send me, as soon as may be, all that you shall be able to pick up in relation to the treaty concluded between Hanover and our enemies; particularly if you can procure the agreement, by which the assistance of an English force is stipulated to them. Your excellency sees hereby what I am now doing on one side and the other; that is to say, with regard to our friends. I can do nothing before I have received your excellency's orders upon my last."

The following Letter from baron Gortz, to count Gyllenburg, is dated from Paris, January 8, 1717. "I could not acquaint you before this day, that I am now authorized to enter into the affair, which you know of; and that I am allowed the liberty to do in it whatever I shall think convenient. You will be able to judge of this yourself by the inclosed copy of the full power, that has been sent to me. Which way soever I turn this affair, I do not see, that we can engage in it upon any other foot, than that, which I proposed to you at first. An interest is the most certain security of treaties, and what we are solicited to undertake, is of so great importance to us, and the most expeditious means to re-establish our affairs, that can be devised; no man can doubt, that we shall apply ourselves to it heartily and earnestly, and that we could wish for nothing better, than to do it without the concurrent assistance of others, if the juncture of time would suffer us to dispense with that assistance.—The only thing I see wanting for our purpose, are men of war and transports. Of the first I can have two in Holland, and six in France, all rigged and armed; and those, who have the disposal of them, oblige themselves to deliver them to that condition at Gottenburg in the mouth of March. The last we shall not want, but we must immediately put our hands to the work, which requires money. M. Sparre has assured me, that I should find an hundred thousand crowns ready here; but I learnt at my arrival, that our friends, far from doing what they had promised, are now grown cool; so that I thought best, Sir, to desire you to press your friends to a speedy resolution, whether on the foot proposed they will forthwith supply us with money, which we must have to purchase those men of war, or not. In case they will, it is necessary they should order it to be paid to me here as soon as possible, that I may put those, who are to furnish me with the ships, upon getting them ready. If they will not, this business ought to be broken off intirely, without thinking any further of it. To lose four weeks more would be losing all, for this year at least; and afterwards the circumstances of affairs will so change, that there can be no thinking of it any longer.—For the rest, our intention was to transport 12 thousand men; eight thousand of them infantry, and four thousand cavalry, of which five hundred mounted. We were to carry with

us a sufficient train of artillery, arms for ten or twelve thousand men more, with requisite stores of ammunition. We were to land at the places, whether we should be directed; so that we should have carried with us all that is necessary, excepting horses, which we expected to find in the country; and all might have been executed without the least umbrage being taken; provided, that on the other side the secret was kept. M. Sparre tells me, that the reason of the coolness of these gentlemen in this country, is the treaty between this court and England, and the ensuing departure of the Pretender out of this country. For my part, I take this reason to be a very weak one; for as this treaty, and the departure of the Pretender out of this country, must make the court of England think themselves in perfect safety, and deprive them of the pretext of keeping up their troops, our enterprize is become more easy, and more sure. And to imagine, that this court, at the bottom of their heart, would not be better pleased to have the Pretender on the throne of England, than the elector of Hanover; especially if the first continued to carry himself well towards this court, is to have a wrong notion of its interest, and of the private sentiments of the duke regent.—M. Sparre tells me further, that our friends here think we shall not have occasion for any more men of war than those eight, which we have at Gottenburg; but they are to know, that those ships are but of forty guns each; so that it would be hazarding too much, and exposing a body of chosen troops (for such we should take on this expedition) for three or four large ships would be sufficient to give them chace, and to take them all. But, when we shall have the eight ships, which carry from sixty to seventy guns, nothing less than a squadron could oppose them, and, before they could be fitted out, the blow would be struck.

"To conclude, Sir, I want here for a speedy yea or no; and I continue to advise you not to send any account of this matter to the court; for our ministers themselves are ignorant of it, and know not for what intent they have been obliged to give the turn they have to the full power which they dispatched. 'Aut nunc aut 'nunquam: Now or never;' as well for our friends as our enemies.—When you have fixed this affair, at least for what relates to the men of war here, I am very desirous you should come over to meet me in Holland, under pretext of being ordered thither; and that you should put the court in hopes of returning with some acceptable offer, to the end we might concert together all that remains for our enterprize; after which I would set out myself for Sweden, to order every thing for making sure of the execution. I communicate to you the subjoined copy of the Full Power, which his majesty has been graciously pleased to give me:

'We Charles, by the grace of God, king of 'Sweden, Goths and Vandals, great prince of 'Finland, duke of Schonen, Estonia, Livonia, 'Carelia, Bremen, Verden, Stetin, Pomerania, 'Cassubia, and Vandalia, prince of Rogen, lord 'of Ingria and Wismar, palatine of the Rhine, 'duke of Bavaria, Juliers, Cleves, and Bergues, '&c. do hereby make known, and attest, that 'whereas we have committed to the fidelity 'and dexterity of the most illustrious and 'noble, our entirely-beloved baron Gortz, privy-'counsellor of the most serene duke of Holstein, 'and chief marshal of his court, various affairs 'for our service, to be transacted in those 'places, where he shall reside: And whereas 'the present circumstances of the times and af-'fairs do not easily permit, that we should be 'able to furnish him with particular credential 'letters (commonly called a Full Power) for 'every several transaction: To prevent there-'fore all delay, which might thence arise, we 'have judged it necessary to constitute by these 'presents, him, the said baron Gortz, our mi-'nister plenipotentiary, and to grant him full 'power, as by virtue of these presents, we do 'grant him full power, to treat and conclude, 'in our name, with all and singular persons of 'what condition soever, all matters which may 'relate to our service, and he for our interest; 'promising on our royal word, that we will ap-'prove and ratify, and put entirely in execution, 'whatever the said baron Gortz shall so trans-'act and conclude. In sure testimony where-'of, we have caused our seal to be affixed to 'these presents, and signed the same with our 'own hand. Given at Lund, in Schonen, the '23d day of October, 1716. CAROLUS. (L. S.)
'H. G. de Mullern.'

On the 13th of January, N. S. 1717, baron Gortz wrote from Paris the following letter to count Gyllenburg: "I am to acquaint you, that our friends here are charmed with my scheme. They have caused one hundred thousand livres to be paid me down, and have promised to get the rest paid to me in Holland, to the sum of one million of guilders. I will go therefore, and give orders for working with all possible dispatch on the men of war, and for providing and bringing together all necessaries. I shall also go back with all expedition to Holland: whence you will have further advice from me. I shall wait there with impatience the coming of your express, and of the person who is to speak to the physician."

At the same time M. Gustavus Gyllenburg wrote the count his brother the following Note: "After the baron had signed his letter to you, he ordered me to tell you in his name, that it is absolutely necessary our friends should determine speedily, and cause the money to be remitted, and paid to us, without any delay; for otherwise we cannot have the men of war from this country time enough."

Upon the receipt of baron Gortz's Letter of the 8th of January, with the king of Sweden's full power, count Gyllenburg wrote an Answer to the baron at Paris, dated at London, Jan. 16, 1717, wherein he begs leave to know,

"Whether his excellency would have him, for the future, add the title of plenipotentiary to the direction of his letters. As to our affair (continues he) I went immediately to the house of one of the principal of my friends, and without taking notice of any coldness of the gentlemen in France, I told him, in order to engage him to speak, that I had just received your excellency's orders to give such an acquittance, as had been demanded of me. He seemed very well pleased, and told me to answer that he, who had the direction of the whole affair, being gone again into the country, and being out to return before Saturday next, nothing could be done till Monday; but that then he questioned not but I should be satisfied. We shall see what that gentleman will say at his return; and unless the gentlemen in France have made my friends here alter their opinions, (which I do not yet find they have) I hope all will go as we would have it; and in case that should not happen so, I am very much of your excellency's opinion, that we shall leave all those gentlemen to their ill destiny, and go another way to work.—My Whig friend was charmed with your excellency's letter, which he read over and over. Many others of the same party begin to change their language to our favour. I send my brother a little piece, which is just published at my charge, and writ in a pretty moderate stile. There is something in it of my own. What is said in the postscript, in praise of the prince, is in order to gain the prince's party, which is already well inclined towards us.—If your excellency thinks it proper to order me to Holland, I should be of opinion, that you should send the like orders to monsieur Petkum, on pretence, that you would receive information from us both together, concerning the posture of affairs here with regard to our common interests. That would not give any umbrage, and one might easily find out ways of amusing M. Petkum."

Before this letter reached baron Gortz, he writ another to count Gylleoburg, dated at Paris, January 16, 1717, N. S. as follows: "I have just now received here, your letters of the 1st, 2d, 4th, and 7th. You may depend upon it, Sir, and assure your friends, that the expedition to England does at present take up all our thoughts and attention. It will depend but upon two things; one is, the procuring four or five ships of war; and the other is money. I know where to get the former, but I can do nothing without the other. I cannot sign the contracts that are offered me. Your friends must take care to remove that obstacle, and to provide for the other squadron. There is not a moment to lose. The time is very short. Our friends on this side have assured me, that the money should be ready forthwith. By your letters I am to believe, there are 20,000*l.* ready. I herewith send you the acquittance, which I have given here, that you may draw yours conformably to it, which you will exchange hereafter for mine, which I will send you, after you have let me know the names of the creditors, and that you have received the money. We are here agreed upon the plan of our enterprize; and I am promised a man to be sent to Holland, who will bring me what farther informations may be wanting. You may likewise assure your friends, that our prince will certainly be of the party; but I conjure you to give nothing in writing about this negociation, except what relates to the acquittances upon the foot abovementioned.—I do not expect to hear from you any more here, but in Holland; and, if your men should have been got thither in my absence, he would have found Stamboke fully instructed.—I herewith send you back the contracts signed, according to your desire. The positive promise of letting them have 100, puts me under some difficulty, because I had no thoughts of preparing for so great a quantity. As to your money, you may keep an account of what you shall receive, 4,000 crowns. I have not yet proposed to the king that augmentation; but I am in hopes of obtaining it for you.—In the mean time, employ all your skill, in order to give the court all the trouble that is possible, in the next session, in relation to their conduct in the affairs of the North; and tell me from whence proceeds the good disposition wherein Walpole seems to be."

The form of the Acquittance mentioned and inclosed in this Letter of baron Gortz to count Gyllenburg, is as follows: 'I, the underwritten 'plenipotentiary of his majesty the king of 'Swedeo, ackoowledge to have received of 'for the service of his Swedish ma-'jesty, the sum of which the said 'has found means of lending to his said ma-'jesty; which sum of I promise, on the 'part of his majesty, in virtue of the full power, 'which I have from his said majesty, and which 'I have produced in due form, to cause to be 'repaid to the said or his order, in 'the space of two years, to commence from 'the date of this acquittance; so that every 'four months there shall be paid a sixth part 'of the principal, together with interest at the 'rate of one half per cent. by the month, and 'so on, to the full payment of the total sum. 'In virtue and token whereof I have signed 'these presents, the 11th of Jan. 1717.

'The baron de Gortz.'

The next Letter is from count Gyllenburg to baron Gortz, dated at London, January 18, 1717, N. S. as follows.

"My friend, that directs the whole affair, came back from the country last Saturday night, as I had the honour to acquaint your excellency that he would, in my last. He hath this day let me know, that upon a letter, which he received from my lord Mar, to remit forthwith 20,000*l.* into France, to the queen dowager of England, who was to pay it to us, he had actually remitted that money, which he hoped was already paid to your excellency. He asked my pardon for not having communicated

this to me sooner, having been obliged to go into the country the moment the affairs was dispatched. He added, that he had desired further orders from my lord Mar, with respect to the place, where the rest of the money should be paid. I doubt out but that baron Sparre has already had advice of all this, and that he has acquainted your excellency with it; which, however, I beg you would forthwith let me know, that I may quiet the minds of my friends here, who imagine, that the said baron doth not act in concert with your excellency in an affair, wherein the least misunderstanding might do a great deal of mischief. I have told them, that your excellency designed, that I should come to you to Holland, to concert every thing with you; with which they were very well satisfied. But I have told them, that I will not go thither with empty hands, and that they ought at least to get 10,000*l.* ready for me to carry with me. I have also desired them to get me a letter from the brother of the czar's physician, which might serve to introduce me to him, if your excellency thinks fit to employ me to speak to him. I cannot express to your excellency my concern, that the affair abovementioned should have taken a turn, which I did not expect; and which, for ought I know, may not be pleasing to your excellency. Even my friends are dissatisfied at it, every thing being done unknown to them. But, as they are obliged to have great regard for the director of the affair, who is a person of very great consequence, they must seem to be satisfied. If your excellency, after this, thinks it necessary for me to come to Holland, I beg your orders therein as soon as possible, that I may take my measures.—After I had written these lines, I received the favour of your excellency's of the 13th, from whence I perceive, with a great deal of pleasure, that our affair is begun. I read it to one of my friends, who told me, that that was the sum, of which he had spoken to me some days ago, and which I mentioned in one of my former: that he then believed it to be 8,000*l.* but that it was but 6,500*l.* which exactly answers that which has been paid to your excellency, and which makes part of the 20,000*l.* that has been remitted. He has promised me to hasten the rest, but I should think, that it would be necessary that our friends in France, from whom they expect the orders, should pray them to dispatch it with all haste. He has given me hopes, that I shall have a good sum with me, when I go to Holland."

The next Letter is of count Gyllenhurg, to baron Gortz, dated at London, January 23, 1717, in which he writes thus:—"The day before yesterday, I received the favour of your excellency's of the 16th. The inclosed triplicate of that which I had the honour to write your excellency by the last post, will shew you the train, that our affairs are in. In the mean time I have told our friends, that your excellency thought my voyage to Holland absolutely necessary, in order to concert with the the necessary measures for the enterprize; but, that your excellency would by no means have me stir from thence, without carrying with me what money should be necessary. That it therefore lay upon them now to make the best use of the time, which was so precious to us, and to put me in a condition of going with the first opportunity.—They promised me to do their best, that my voyage might not be deferred longer than the end of the next week. In case I can by that means bring them to hasten their disbursement, it will afterwards depend upon your excellency's pleasure, whether I shall go to pay my respects to you or not.—Your excellency may be assured, that I do all in my power to traverse the ill designs of our enemies. The printed piece inclosed, wherein I have spoken entirely as an Englishman, is a small specimen of what is to follow. I do not know whether Mr. Walpole's expressions were the effect of his first rage, no account of his brother-in-law, my lord Townshend's being removed, or whether they came from his heart. We shall be better able to judge of those gentlemen after the king's arrival, when it shall appear, if they have reason to be satisfied; for it is from thence, that they will form their scheme of politics.—It is strongly reported here, that your excellency has made a declaration, that the king, having waved all preliminary demands, has accepted the emperor's mediation, and agreed to send his plenipotentiaries to Brunswick. I most humbly beg your excellency will let me know what truth there is in it."

The next Letter is from baron Gortz to count Gyllenhorg, dated at Paris, January 27, 1717, N. S. wherein he says: "Yours of the 18th, with the duplicate, is come safe to my hands. Your friends are in the wrong, to imagine, that M. Sparre and I do not act in concert in this affair. He has communicated every thing to me with the greatest exactness, and not being authorized himself to enter upon this affair, nor to receive the money, he has left all to my disposal. I have even put into his hands acquittances, where the sum is left in blanks, that he may make use of them in my absence, as soon as the money is come. The friends, which are at France, shall be writ to, to press those in England, to furnish, as soon as possible, the million of Dutch guilders, which we have agreed on; and I must needs tell you, that I cannot take the least step in relation to the ships, which are absolutely necessary to us for carrying on this enterprise, before I am in possession of that whole sum; for, if I should begin, and the money afterwards not come in the sum employed upon this occasion would be lost; not to speak of the disgrace it would be for me, to have entered upon an affair without being able to go through with it.—As for your voyage into Holland, that likewise depends on the payment of the money. When you have secured that point, you will do me a pleasure in coming over to me, furnished with all the

informations tending to the execution of our design, which may still be wanting. I will write next post to Petkum, to come along with you."

The Lords' Address of Thanks.] After the King's Speech had been read in the House of Lords, the duke of Newcastle moved for an Address of Thanks, which was agreed to *nem. con.* Next day, his grace reported the said Address, which occasioned a debate: lord Conningsby having enforced what was suggested therein, viz. That the late peace was treacherous and dishonourable; the bishop of London thought it incumbent upon him to defend it, and said, "That he drew up himself the instruments of that Treaty; and that, in his opinion, it was as good a peace as had been concluded for these forty years past." Hereupon lord Conningsby replied, "That he did not intend any personal reflection, but that the venerable prelate who spoke last, might remember, that about two years ago, when the ministers, who made the late peace, were impeached, his lordship declared, that he was kept in the dark, and scarce knew any thing of what was doing at Utrecht."

Feb. 22. The Lords waited upon the king with their Address; which was as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our most humble and hearty thanks for your majesty's most gracious Speech from the throne; and to congratulate your majesty on your safe and happy return to these your dominions; and on the prudent administration of his royal highness the prince of Wales, under your majesty, and the great care he took of the peace and security of the kingdom, during your majesty's absence.

"We are sensible that the gross defects and pernicious consequences of the late Treaty of Utrecht could not have been remedied but by your majesty's unwearied applications for the good of your subjects; and by that just regard which is paid by foreign potentates to your known wisdom and integrity. It is with unspeakable satisfaction that we see your majesty's endeavours successful in such conventions, as have already given new life to our trade and credit, and particularly, in the treaty lately concluded with France and the States General. As your majesty has, by this Treaty, recovered to us, in so great a measure, those advantages which might have been expected from a glorious and successful war, and were given up by a treacherous and dishonourable peace; we beg leave to congratulate your majesty upon an alliance which opens to us so fair a prospect of an undisturbed succession, an equal balance of power, and a flourishing commerce.

"We return your majesty our most humble thanks, for your majesty's gracious condescension, in having laid before your parliament the discoveries concerning the intended Invasion; and cannot but regard with the utmost horror and indignation, the malice and ingratitude of those who have encouraged such an attempt against their king and country.

"We are sorry to find that your majesty's lenity has been ineffectual towards the reclaiming a faction, who have rendered themselves so obnoxious to your justice: and we do assure your majesty, that we will, to the utmost of our power, support your majesty against the designed Invasion, and all your enemies, both at home and abroad, in such a manner, that, by the blessing of Almighty God, neither the rashness of the one nor the wickedness of the other, shall be ever able to prevail."

The King's Answer.] The King's Answer was as follows:

"My Lords;

"I thank you for this Address, which is so full of expressions of duty to me, and zeal for your country; and I make no doubt but that with your support and assistance, under God, we shall get the better of all our enemies, both at home and abroad."

The Commons' Address of Thanks.] After the Papers relating to an Invasion from Sweden was read in the House of Commons, Mr. Thomas Onslow moved for an Address of Thanks to his majesty. He was seconded by sir John Brownlow, who said, That we had no need of the king of Swedeo to maintain the English liberties and support the church of England. This, in count Gyllenborg's and baron Gertz's letters, was hinted to be the pretence of the intended Invasion. Mr. Hungerford took this occasion to say, That he was sorry to find that a member, he had in his eye, (meaning Mr. Robert Walpole), was mentioned in those letters; but that he had the honour to defend him formerly, and would be ready to do the like for the future.

February 21. Mr. Thomas Onslow reported the Address to his majesty, which was read and agreed to by the House; after which, they ordered, *nem. con.* That a bill should be brought in to authorize his majesty to prohibit commerce with Sweden, during such time as his majesty should think it necessary for the safety and peace of this kingdom. A member having moved for declaring War against Sweden, general Stanhope said, That it was time enough to do that, if the king of Sweden refused to disown the practices of his ministers.

February 22. The House presented the following Address to the king:

"Most Gracious Sovereign;

"Your majesty's dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your majesty their humblest thanks for your most gracious speech from the throne.

"Your majesty's safe and happy return into your kingdoms gave an universal joy to all your people; and as the prudent administra-

tion of the government by his royal highness the prince of Wales, under your majesty, did in some degree make tha want of your royal presence more easy to us, we beg leave to congratulate your majesty upan the peace and security that, duning your majesty's abrence, was, by the great care of his royal highness, preserved in the kingdom, to the general satisfaction of all your subjects.

"We can never sufficiantly acknowledge the repeated instances of your majesty's goodness, and unwearied concern for tha welfara of your kingdom; we see with admiration many of the fatal defects of the Treaty of Utrecht, and the great disadvantages that were imposed upon tha nation, at the head of a victorious army and powerful confederacy, happily remedied by your majesty, even in the midst of intestine dangers and troubles. Your consummate wisdom has renewed those alliances that were basely betrayed and dissolved, and concluded such new treaties as may render the peace safe and lasting; and we are at a loss to determine, whether in future ages the suffering the demolition of tha port of Dunkirk to be scandalously evaded, will be a greater reproach, or tha procuring the destruction of the alnicas of Mardyke a greater honour to the British nation.

"We cannot at the same time, but with the highest resentment and indignatiun, look upon the abstinate and invaterate rancour of thosa who are again endeavouring to embroil their native country in blood and confusion. It is astonishing to find, that any, who call themselves Protestants, can be so inflexible and restless in their endeavours, to impose upon us a Popish Pretender; and rather venture to subject the kingdom to a foreign yoke, than depart from their darling and avowed design of altering and subverting the present happy establishment in the protestant succession.

"We adore the watchful eya of heaven, that has so wonderfully guarded and protected your sacred person, and cannot too much extol the wisdom and vigilance that have been used in so early and seasonably discovering this desperate attempt. And in order most effectually to defeat it, your faithful Commons, with hearts sincerely zealous in the cause of their king and country, assure your majesty, that they will to the utmost stand by and support your majesty against all your enemies at home and abroad, that shall in any manner presume to aid or abet the Pret nder to your crown, and will most cheerfully grant to your majesty such Supplies as shall be found necessary for the safety of your royal person, and the defence of the kingdom.

"We are all but too sensible of the unsupportable weight of the National Debts, and therefore will not neglect to apply ourselves with all possible diligence and attention, to the great and necessary work of reducing and lessening, by degrees, this heavy burthen, which may prove the most effectual mean of preserving to the public funds a real and certain security."

The King's Answer.] To this Address his majesty gave the following Answer:

"Gentlemen:

"The duty and zeal which you express, in this loyal Address, to my person and government, your affectionate concern for the welfare of your country, your promises of an effectual support against all our enemies at home and abroad, and your resolution of applying yourselves to ease my people, by reducing gradually tha heavy load of the public debts, deserve my hearty thanks. You shall never have cause to repent of the confidence you repose in me: tha honour, welfare, and prosperity of the nation being what I have chiefly at heart."

Motion relating to the Land Forces.] March 4 In a grand committee on the Supply, it was moved to take into consideration tha estimates relating to the land forces: upon which, sir Rob. Davers, Mr Freeman, and Mr. Hungerford endeavoured to get that affair put off to another day, by moving that Mr. Farrer, the chairman, should leave the chair. They alledged, 'That the late Rebellion being happily suppressed, and the Swedish Conspiracy seasonably discovered, there was reason to hope, that the counties of England would soon be eased of the grievous burthen of quartering soldiers; but if it appeared, that the king of Sweden persisted in his design to invade Great Britain, they would all readily give their votes for keeping the present forces on foot. Mr. R. Walpole, general Stanhope, Mr. John Smith, Mr. W. Pulteney, general Lumley, and several other courtiers, on the contrary, urged the necessity of taking speedy and vigorous resolutions in relation to the army, and after a debate that lasted near two hours, the question being put, That the chairman leave the chair, it was carried in the negative, by a majority of 222 voices against 57.

Debate on Mr. R. Walpole's Motion for borrowing 600,000l. for the public Service at 4l. per cent.] March 5. Mr. Farrer reported the Resolutions taken the day before, in the grand committee on the supply, which being agreed to,

Mr. *R. Walpole* moved, and it was resolved, nem. con. "That whosoever shall advance or lend any sum, not exceeding 600,000*l.* for the service of tha public by sea or land, shall be repaid the same with interest, at 4*l.* per cent. out of the first Aid to be granted this session of parliament." The putting the interest of this intended loan so low as 4*l.* per cent gave reason to surmise, that those, who had tha management of his majesty's treasury, designed to put on the same foot tha interests of all public Fends: Whereupon,

Mr *Lechmere* took notice, "That several schemes and proposals for reducing the National Debts had been printed and dispersed, which gave the persons concerned in the public securities the greater uneasiness, in that there was reason to apprehend, that those schemes were abroad with the privity and

countenance of men in great places: That the general alarm which this had occasioned among the monied men, might very sensibly affect public credit, and he, at this juncture, of very dangerous consequence. To prevent which, he thought it necessary, to move, That the House would come to a resolution, effectually, to make good all parliamentary engagements. To this

Mr *Robert Walpole* immediately answered, That his majesty having, with great tenderness, recommended to them from the throne, the reducing, by degrees, the Debts of the Nation; and the Commons having afterwards in their Address to his majesty, promised to apply themselves, with all possible diligence and attention, to that great and necessary work, they ought to exert themselves, to make good that promise, and appoint a day to take that important matter into consideration: And he did not doubt but the Commons would then shew all possible regard to justice and public faith. He owned there had been, indeed, several Schemes published, relating to the Reduction of the National Debts, but that they were made by private persons, and, he did assure the House, without the participation of any of his majesty's ministers, and therefore they were not to be regarded; but that in a short time, such proposals would be laid before the House, as, he hoped, would give them satisfaction, and meet with their approbation; therefore he moved, That Mr. Lechmere's motion might be thus altered, viz. "That this House will effectually make good the deficiencies of all parliamentary engagements." This, after a short debate, was carried in the affirmative, *nem. con.* But mention being made of the great services done by the Bank of England, and those, who by their money had supported the court interest and the present establishment

Mr *Aislabie* took notice of the management of some Directors of the Bank, who, upon the alluring prospect of gain, were as ready to support the late ministry. On the other hand, a courtier having defied any body to charge any breach of public faith, or of the laws, on the administration, since his majesty's happy accession to the throne,

Mr *Hungerford* said, That this put him in mind of a Coronation, when the king's champion coming into Westminster Hall, throws down one of his gloves to make the Challenge, but that he never saw any body so bold as to take it up.

March 8. While the House was in a Committee on the Supply,

Mr *Lechmere* told them, That he was sorry he found himself obliged to take notice, that their late vote for a loan, at 4*l* per cent interest, was like to prove ineffectual, there not being in three days time above 45,000*l.* subscribed to the loan of 600,000*l.* on the Land-tax. And therefore since the present exigency required a speedy Supply, he thought it necessary, and therefore moved, That a day be appointed to consider of that matter.

Mr *Robert Walpole* seconded this motion, and said, That there was the greater necessity for it, because he was informed, that some Stock Jobbers, in order to deter the parliament from pursuing the design of reducing the public Debts, had formed a combination to distress the government, and ruin public credit, which was the occasion that the late Vote for borrowing 600,000*l.* at 4*l.* per cent. had not had the desired effect. To this

Mr. *Lechmere* answered, That as none but the most wicked of men could enter into such a combination against the good of their country, so the honourable member that spoke last, would do well to name them, that the House might shew the utmost resentment and indignation against them. But that in his opinion, the ill success of the loan was rather mainly occasioned by some reflections on the monied men and Stock Jobbers, and by certain maxims lately advanced, viz. That the parliament may exert their authority to extricate themselves, by reducing the National Debts; that such maxims could not but alarm the persons concerned in the public securities; and the more, when they saw that a slur had been put upon the motion made three days before, "That all parliamentary engagements should effectually be made good." That he still thought such a Vote absolutely necessary both to remove people's fears and jealousies, and to vindicate the honour and justice of the nation; and that the same was entirely agreeable to his majesty's sentiments, who in his first Speech to this parliament, had been pleased to recommend to the Commons, in a particular manner, the strict observance of all parliamentary engagements, than which nothing could more contribute to the support of the credit of the nation; with which opinion of his majesty the Commons did entirely concur; and that he could not believe, that any of his majesty's ministers could be so regardless of his honour and known equity, or put so hard a thing upon him as to make him in the least contradict what he had in so solemn a manner declared from the throne. He added, That the Commons having already appointed a day to consider of the State of the Nation, with relation to the Public Debts, he would not anticipate that important affair, but he could not forbear declaring on this occasion his private opinion, that it would be the greatest ingratitude, as well as injustice, in the least to wrong those who had supported the government in the most pressing exigencies and perilous junctures, and, on all occasions, shewn their zeal and affection for the Protestant succession. That he had nothing to say, as to such public securities as were redeemable by parliament; but as to Annuities granted for terms of years, he would be positive, that they could not be meddled with, without breaking in upon parliamentary engagements, and violating the public faith; since those annuities were not to be looked upon as debts, but as a sale of annual rents for a valuable consideration, or which contract the

parliament had proposed and made the terms and conditions, and the rentees became purchasers upon the parliamentary faith and security. And that, besides the injustice of breaking through a national contract, those annuities could not be touched, without occasioning great confusion and disputes in private families, by reason that most of the said annuities had been settled for portions, jointures and the like.'

Mr. *Walpole* in answer to this, declared, That there never had been a design to use any compulsion with relation to Annuities; that, indeed, an alternative might be offered to the proprietors of them, but that it should be in their choice either to accept or refuse it. and as for such funds as were redeemable, that nothing should be proposed that did not entirely consist with justice and public faith.

Mr. *Astlabe* took also that occasion to explain some expressions he used, in the debate of the 5th instant, in relation to the Bank of England, which had been construed amiss; owning, that they had supported the government in the most difficult exigencies. and that in his opinion, if any thing ought to remain untouched, it should be the Bank.

After a debate of about two hours, it was resolved to consider farther of the Supply, in a grand committee, on the 13th of March.

March 9. The House agreed to the resolutions of the committee on the Supply, so that the money already voted amounted to above two millions.

Resolutions respecting the Public Debts.] March 23. Mr. Farrer reported, from the committee of the whole House, to whom it was referred to consider of the State of the Nation, in relation to the National Debt, the Resolutions which they had directed him to report to the House; which were read, and agreed to as follow;

1. "Resolved, That all the public funds, redeemable by law, that do not exceed five pounds per cent. per annum, be redeemed according to the respective provisoes, or clauses of redemption, contained in the acts of parliament for that purpose; or with consent of the proprietors, be converted into an interest or annuity not exceeding five pounds per cent. per annum, redeemable by parliament.

2. "That his majesty be enabled to borrow of any person or persons, bodies politic or corporate, such sum or sums of money as shall be requisite to redeem the said redeemable funds at any rate, not exceeding five pounds per cent. per annum; and to secure the same upon the funds so to be redeemed.

3. "That the annuity of 106,501*l.* 13*s.* 5*d.* per annum, payable to the Governor and Company of the Bank of England, out of Hone-Money, by virtue of several acts of parliament in that behalf, for the principal sum of 1,775,027*l.* 17*s.* 10½*d.* by them advanced, be redeemed; or, by consent of the said governor and company converted into an interest or annuity, not to exceed 5*l.* per cent. per annum, redeemable by parliament.

4. "That so much of the fund, commonly called the aggregate fund, settled by an act of parliament in the first year of the reign of his present majesty, as is applicable to the interest, circulation, exchanging, or cancelling, the present exchequer bills, be also redeemed.

5. "That his majesty be enabled to authorize the high treasurer, or the commissioners of the treasury, for the time being, to treat and agree with any person or persons, bodies politic or corporate, for circulating such a number of exchequer-bills, at a rate not exceeding four pounds ten shillings per cent. per annum, for interest, exchanging, and circulation, as may be charged and secured upon that part of the said aggregate fund so to be redeemed.

6. "That the annuities of 600,000*l.* and 6,000*l.* per annum, payable to the Governor and Company of Merchants of Great Britain trading to the South-Seas, be also redeemed.

7. "That the annuities payable by an act of parliament, of the 12th year of the reign of king William, to certain patentees therein named, their heirs and assigns, out of the weekly sum of 3,700*l.* charged on the Excise, be also redeemed.

8. "That the several terms of years remaining in the duties appropriated by the two lottery acts, made and passed in the ninth year of the reign of her late majesty queen Anne, of blessed memory, and by two lottery acts made and passed in the tenth year of her said late majesty's reign, be made perpetual.

9. "That the said duties comprehended in the said four lottery acts, be made one general fund for the future.

10. "That the proprietors of the orders, grounded on the said lottery acts, do, within a limited time, make their elections, either to accept annuities after the rate of five per cent per ann. redeemable by parliament out of such general fund; or be paid so much as remains due to them on their orders respectively.

11. "That, in all cases where the proprietors shall choose to have their principal, the five per cent. per annum, saved thereby, be made another fund, towards answering such sums of money as shall be advanced, towards discharging the said principal, by loans, or other securities, as shall be thought proper.

12. "That his majesty be enabled to give power for receiving voluntary subscriptions from any person or persons, intitled to any of the annuities issuing out of the public funds, for the residue of the respective terms of 99 years, 96 years, 89 years, or 32 years, formerly purchased therein, not being subject to redemption, who shall be willing to accept, in lieu thereof, perpetual annuities, redeemable by parliament; and to allow, for the remaining terms in the said annuities, which were purchased for 99 years, 96 years, or 89 years, at the election of the respective subscribers, either so much as the same unredeem shall amount to at 19 years

purchase, to be made good by new annuities, of four pounds per cent. per annum, redeemable by parliament, or 17 years purchase and an half, to be made good by new annuities of five pounds per cent. per annum, to be redeemable in like manner; and to allow, for the remaining terms in the said annuities, which were purchased for 32 years, at the election of the respective subscribers, either so much as the same annuities shall amount to at 14½, to be made good by new annuities of four pounds per cent. per annum, redeemable by parliament, or 13 years purchase and an half to be made good by annuities of five pounds per cent. per annum, redeemable in like manner; and that the said new annuities shall be settled and secured accordingly.

13. "That all savings, that shall arise upon any of the present funds by the proposed redemptions, or reductions, be reserved, and applied, after all deficiencies, that may happen upon any of the said funds, are made good, towards discharging and reducing the national debt.

14. "That all the said duties now in being, or to be continued, shall immediately cease and determine after the said National Debt, and all interest due thereupon, is discharged, and paid off."

Debate on the Mutiny Bill.] March 23. Upon the motion for a second reading of a Bill sent up from the Commons, for punishing Mutiny and Desertion, the duke of Buckingham moved to put it off till the Thursday following; but some Lords having observed, that such a delay might be of very dangerous consequence to the government, because the last Act against Mutiny determining the next Monday, many soldiers might take that opportunity to desert with impunity; the second reading was put off only till the next day.—On the 25th the Lords read the said Bill a third time, when the lord North and Grey excepted against a clause, whereby common soldiers are exempted from arrests for debt, which his lordship urged, encourages idleness and vice among tradesmen and artificers, and occasions frequent bankruptcies. Several other objections were raised against the bill by the duke of Buckingham, the earls of Abingdon and Anglesea, the lords Harcourt and Trevor, who were answered by the lord Cowper, the dukes of Devonshire and Newcastle, and the earl of Sunderland; and the question being put, That the bill do pass, the same was carried in the affirmative by 32 voices against 9.

Protest against passing the said Bill.] But upon this occasion six lords entered their Protest: as follows:

'Dissentient';

1. "Because no particular reason or occasion is so much as suggested in this Bill, for keeping on foot a standing army, consisting of 32,000 men, in this kingdom, in time of peace; and therefore this Act will be a precedent for keeping the same army at all times, though this kingdom be in peace; which, we think, must inevitably subvert the ancient constitution of this realm, and subject the subjects to arbitrary power.

2. "Because, by this Bill, the soldiers are exempted from being arrested by process of law, at the suit of any person for recovering a just debt, or upon any action whatsoever; which is a great injustice to the subjects, taking from them the benefit of the law for recovering their just demands, and for obtaining satisfaction for any injury done them by a soldier, either by wounding or maiming, or wrongfully taking away his goods: and, we conceive, this will be so far from preserving good order and discipline in the army, that, on the contrary, it will be a great encouragement to the soldiers, to live in their quarters in all manner of licentiousness; and to insult their fellow subjects, both in their persons and estates, when they know, that by this law they are disabled from obtaining any effectual satisfaction from them, by the course of justice, for any such violence or injury; and the only reason offered to justify this exemption from arrests, being, to prevent the taking soldiers out of his majesty's service by collusive arrests, we think the preventing such an imaginary mischief can be no reason to discharge the persons of soldiers from being taken upon any civil process, where the cause of action is real, which is a privilege only belonging to a peer of the realm.

3. "Because this Bill doth establish martial law, extending to the life of the offenders, in time of peace, which, we conceive, is contrary to the ancient laws of this kingdom: and the soldiers are obliged to obey the military orders of their superior officers, under the penalty of being sentenced by a court-martial to suffer death for their disobedience; and that without any limitation or restriction, whether such orders are agreeable to the laws of the realm, or not; when, by the fundamental laws thereof, the commands and orders of the crown (the supreme authority) are bound and restrained within the compass of the law, and no person is obliged to obey any such order or command if it be illegal; and is punishable by law if he does, notwithstanding any such order or command, though from the king. (Signed) Trevor, Berkeley of Stratton, Abingdon, Bathurst, Northampton, Dartmouth."

Address for Papers concerning the Riots at Oxford.] During the above debate, a peer complained of the disorders committed by the soldiery in several places, particularly at Oxford, and moved, That before they passed a Bill in their favour, they should inquire into the Riot, that happened in that city on the prince of Wales's birth-day. The courtiers insisted on the necessity of passing the Bill before them without delay; but consented that the Oxford Riot should be enquired into; whereupon some lords of the other side endeavoured to wave it by proposing a general inquiry into the conduct of the army. This was

opposed by the courtiers, who alledged, That they ought not to arraign a body of men, against whom there was no legal complaint, and that such a proceeding could not but be disagreeable, and even injurious to the king, who, by prerogative, has the command of the army; and if any disorders are committed by the soldiers, the complaints ought first to be laid before his majesty; but that since it had been moved to enquire into the Oxford Riots, which had made a great noise and had been examined in his majesty's council, they ought to address the king, that he would be pleased to cause all the Papers relating to that affair to be laid before the House.

This Address being resolved upon; pursuant thereto, on the 29th of March, several Papers relating to the Riots at Oxford, on his royal highness's birth day, were laid before the House.

Debate thereon.] April 3 The House being in a grand Committee, all the Papers relating to the said Riot were read, after which there ensued a great debate; the bishop of Bristol, the archbishop of York, the bishop of Rochester and the bishop of Chester, endeavoured to justify the University, alledging, "That for 40 years past they had not paid any regard to the birth-day of any prince of Wales, or even of the prince sitting on the throne, by public rejoicings. That the University had a method of expressing their loyalty, more consistent with the dignity of their founders, and the character of their persons, than by illuminations and bonfires That as for the mayor and magistrates of the city of Oxford, they were ignorant that it was the prince's birth-day. That the several Affidavits and Informations upon which the said mayor and magistrates grounded their complaints, having been sent up to court, copies of the same were returned to the officers of the regiment, quartered at Oxford, to give them an opportunity to justify their proceedings, which produced another set of affidavits and depositions in behalf of the said officers That the magistrates had no opportunity to make any replication in their own defence, and therefore it was moved, that the House would come to no Resolution upon the foot of the two sets of affidavits, but that they would adjourn the further proceedings, and appoint a day, when they would hear the persons concerned in those informations *viva voce*: they insisted upon this method, because nothing could set this matter in a truer light than the cross-examining and confronting the evidences on each side; urging, That this method was the constant practice of the courts below, and even of all the hearings at the bar of their lordships House, and that their lordships had never yet refused to admit of a replication That as to the disrespect to the Prince Regent charged upon the University, for their neglect of ringing the bells, on his royal highness's birth-day, of the sixteen colleges in the University, only three had any bells to ring: and that it appeared plainly by the Affidavits, taken before the mayor and magistrates, that the riotous proceedings on the coronation day, and the birth day of his royal highness, were occasioned by the insolence of the soldiers, encouraged by several members of the University, calling themselves the Constitution Club, and by the neglect of the commanding officers of the regiment, in not issuing proper orders to suppress the disturbance." The duke of Buckingham, the earl of Abingdon, the lords Harcourt, Trevor, and North and Grey, spoke also in favour of the University and magistrates of Oxford.

The Lord *Coningsby* hereupon said, That he knew the usage of the University to have been otherways than had been represented, and gave a short account of their behaviour in the reigns of king Charles 2, and James 2, and distinguished between their past and present loyalty His lordship owned, That in those two reigns they had expressed their loyalty in a most extraordinary manner, and had made such great advances to countenance an unlimited power in the prince, that if Providence had not miraculously interposed, they had as far as in them lay, destroyed the liberties of their country, which would have involved the University in certain ruin

The lord Cowper, the duke of Kingston, the earl of Sunderland, the lords Parker, Townshend, and Cadogan observed, "That the disrespect to the prince regent, charged upon the University and city of Oxford, was manifest, because the major of the regiment did, about ten in the morning, go to the mayor, and complained, That he had shewn no regard to his royal highness's birth day, by ringing the bells; to which the mayor returned a shuffling answer, pretending he did not know it to be the prince regent's birth-day. Upon this the major told him, he would draw out his regiment to celebrate the said day with proper rejoicings, which he did accordingly; but that the mayor, instead of joining the said rejoicings, filled up the public street with a vast mob after him, and some of his attendants insulted the soldiers on their march, and gave them opprobrious language, crying out, 'Down with the Roundheads' That they proceeded so far in their insults, as to throw dirt and stones at the soldiers, and even attempted to disarm some of them. That the house wherein the officers of the regiment and some of the collegians met, to celebrate the festival, was, in an insolent manner, assaulted, and the windows broke by stones thrown from the opposite house of one Hurst, an ironmonger, upon which the soldiers, to revenge the affront, began likewise to break windows, of which the major was no sooner informed, but he immediately went out and had them desist That it was indeed affirmed in some of the affidavits produced in behalf of the University and magistrates, That a certain collegian went round the bonfire, and encouraged the soldiers to break the windows of the said Hurst, and all that were not illuminated; but that the same was contradicted by no less than five or six persons, who, upon

oath, declared, That the said collegian was from seven till ten that evening in their company, and had not stirred from the house all that time That upon the mayor's applying to the major of the regiment, the latter gave immediate orders for patroles to go through the city and send home to their quarters all the soldiers they should find in the streets, and that the patroles being insulted by some of the mayor's attendants, two or three soldiers fired, but with powder only, pursuant to the orders given them."

Resolutions relating to the Oxford Riots] In the middle of this debate, the earl of Abingdon offered a Petition from the vice-chancellor and the mayor and magistrates of the city of Oxford, and insisted, that it should be read; but it was urged on the other side, That the House being in a Grand Committee, the receiving any petitions was irregular. Hereupon it was moved, that the chairman should leave the chair, which being carried in the negative without dividing, the main question was again debated until about six in the evening, when the following Resolutions were agreed to by 65 voices against 33.

"1. That the Lords of the Committee of Council, to whom the papers relating to the Riot at Oxford were referred, had sufficient grounds to come to the Resolution, reported to his royal highness the prince, viz. 'That the 'heads of the University and mayor of the 'city neglected to make any public rejoicings 'on the prince's birth-day; but some of 'the collegiates, with the officers, being met 'to celebrate the said day, the house where 'they were, was assaulted, and the windows 'were broken by the rabble, which was the beginning and occasion of the Riots that ensued, 'as well from the soldiers as the scholars and 'townsmen, and that the conduct of the major 'seems well justified by the affidavits produced 'on his part.

"2. That the printing and publishing the Depositions, upon which the complaints relating 'to the Riots at Oxford were founded, while 'that matter was under the examination of the 'lords of the Committee of Council, and before they had time to come to any resolution 'touching the same, was irregular, disrespectful 'to his royal highness the prince, and tending 'to sedition.'

Protest thereon] The House being resumed, these two Resolutions were immediately reported, and a motion being made to agree with the Committee in the said Resolutions, it was carried in the affirmative by 58 voices against 32. Whereupon the following Protest was entered.

"Dissentient,

"1. Because, by this Resolution, the heads of all the Colleges and Halls within the University of Oxford stand censured, as we apprehend, for disrespect and want of duty to his royal highness the prince, in neglecting to make public rejoicings on his birth-day; whereas it sufficiently appeared to us, like no rejoicings had ever been made before that time, within the said University, on the birth-day of an heir apparent to the crown, or even of the sovereign, except only on the 29th of May, set apart by act of parliament, perpetually to be observed as a day of public thanksgiving. And there seems the less reason, in our opinion, for laying so heavy a charge on the heads of those learned societies, inasmuch as they have not been allowed any opportunity of being heard thereto, nor even knew themselves to be any ways accused in that particular.

"2. Because the proceedings of the major, as we conceive, are not to be justified by law, if the affidavits which were sent to make good the complaint against the major and soldiers be considered, as well as those affidavits which were produced on the major's part, there being several enormities, charged, as well on the major, as on the soldiers under his command, by the former affidavits no way answered by the latter, or so much as denied by the major himself in any of his own affidavits or letters.

"3. Because, we conceive, the matter of fact relating to the breaking the windows of the room wherein the major and others were, with some stones from Hurt's the ironmonger's house, has not been sufficiently examined into, for want of giving an opportunity to the complainants of replying to the affidavits relating to that matter; and suppose the truth of that fact had actually appeared upon a full examination, yet it cannot be pretended to be a legal justification of the major, for inciting or suffering the soldiers under his command, to go through the city insulting the magistrates, and breaking the windows of many citizens, who are not pretended to have given the least offence to them.

"4. Because the officers and soldiers of the army may take occasion, from this Resolution, to think themselves exempt from the civil power in criminal cases, and be induced thereby to contemn and resist the authority of the civil magistrates, to which they are, in such cases, as liable as any other of his majesty's subjects.

"5 Because the civil officers and magistrates may probably be discouraged, by this Resolution, from doing their duty on such occasions, and his majesty's subjects be deterred from making their just complaints, in an humble and dutiful manner, of any oppressions which they have suffered, or may suffer, from any officers or soldiers in the army. (Signed) W. Ebor', Fr Roffen', Geo. Bristol, Bruce, P. Hereford, Buckingham, Say and Sele, Boyle, Joh London, North and Grey, Northampton, Lichfield, Guilford, Harcourt, Bristol, Berkeley of Strat., Westoo, Trevor, Willoug. de Broke, Fran. Cestriens', Compton, Ashburnham, Foley, Dartmouth, Mountjoy, Abingdon, Mansell."

Motion relating to the Bishop of Munster's and the Duke of Saxe-Gotha's Troops] March 26. The Commons resolved to address his majesty, That the Treaties made with the

bishop of Munster and the duke of Saxe-Gotha, for putting six battalions of their troops into his majesty's service, might be laid before the House. According to which Address, general Stanhope, two days after, presented to the House the said Treaties, with translations of the same. It was generally supposed, that these Treaties were called for with a design to find fault with them, and to bring a censure upon some German ministers, who had been employed in those transactions: but a motion being made the next day, and the question put, That an Address be presented to his majesty, that he will be pleased to give directions, that the Instructions given to his majesty's ministers, who transacted the Treaties for taking four battalions of the bishop of Munster's troops, and two battalions of the duke of Saxe-Gotha's troops into his majesty's pay, to supply the place of such as, during the late rebellion, should be drawn from the garrisons of the States General of the United Provinces to assist his majesty, may be laid before this House, it passed in the negative by 165 votes against 38.

The King's Message for a Supply against Sweden.] April 3. Mr. Secretary Stanhope delivered to the House, the following Message from the King:

"G. R.

"His majesty being desirous, above all things, not only to secure his kingdoms against the present danger, with which they are threatened from Sweden, but likewise to prevent, as far as is possible, the like apprehensions for the future, thinks it necessary that such measures should be early concerted with other princes and states, as may conduce most effectually to this end. And as this may require some expence, his majesty hopes that his Commons will, by their assistance at this juncture, enable him to make good such engagements, as may ease his people of all future charge and apprehensions upon this account."

The consideration of this Message was put off to the next day.

Debate on the Supply.] April 4. Mr. Secretary *Stanhope* moved, That a Supply be granted to enable his majesty to concert such measures with foreign princes and states, as may prevent any charge or apprehensions from the designs of Sweden for the future. He urged the advantage and security that would redound to the nation, by enabling his majesty to reduce the king of Sweden; and what confidence they ought to repose in the king's honour, wisdom, and oeconomy in the management of what money should be thought necessary for that service. Hereupon

Mr. *Shippen* said, That it was a great misfortune, that so wise and so excellent a prince as his majesty, was as little acquainted with the usage and forms of parliamentary proceedings, as with the language of our country. that if he had known either, he would not have sent such a Message; which, he was sure, was unparliamentary and unprecedented; and therefore it was his opinion, that it was penned by some foreign minister, and then translated into English: that since the king's accession to the throne, there had been many reflections cast, in that House, upon the late ministry, as if they had betrayed the interest of their country: that, on the contrary, they had often been told, that his majesty had retrieved the honour and reputation of the nation; the effects of which had already appeared in the flourishing condition of our trade: that after all this, he could not but be very much surprised to find a motion made for a Supply of money, to enable his majesty to enter into new measures, to secure his kingdom against any future apprehensions from the Swedes: that the necessity that was urged for this, seemed to be inconsistant with the accounts of those glorious advantages his majesty had obtained for us: and he could not help being of opinion, that if the new alliances and measures to be concerted, were such as to be obtained purely by the force of our money, that ever the happiness or the security of the nation could be the consequence of such counsels; for, whenever foreigners come to taste the sweetness of English money, we might depend upon it, that their adherence to our interest would last no longer than we continued to supply their necessities.

Mr *Hungerford*, who seconded Mr. Shippen, said, That for his part, he could not understand what occasion there was for new alliances, much less that they should be purchased with money: that it must needs be very surprising to the whole world, that a nation, not long ago the terror of France and Spain, should now seem to fear so inconsiderable an enemy as the king of Sweden; especially when we had so good a fleet at sea, and so great an army on land.—Some other speeches were made on the same side, which gave

Mr. Secretary *Stanhope* occasion to say, That he was sorry to find gentlemen grow so warm upon a subject of this nature. that the king was a prince of that integrity and honour, and had already given such convincing proofs of his tender care for the true interest of the nation, that they might entirely depend upon his wisdom in this matter; and therefore he was of opinion, that none would refuse compliance with this Message, but such as either were not the king's friends, or who distrusted the honesty of his ministers.

This gave offence to several members; and

Mr *Lawson* replied thereupon, That he was very much surprised to find such unguarded expressions fall from that worthy and honourable gentleman, for whom, he was sure, the whole House had a very great regard; but since he had thought fit to speak so openly, he hoped he might be well justified in saying, that if every member of this House, that used freedom of speech on any subject of debate, must be insinuated an enemy to the king,

when he happens not to fall in with his ministers, he knew no service they were capable of doing for their country in that House; and therefore it was his opinion, that they had nothing else to do, but to retire to their countryseats, and leave the king and his ministers to take what they pleased.

Mr. Boscawen, sir Gilbert Heathcote, Mr. Horatio Walpole, and some other gentlemen, backed Mr. Secretary Stanhope's motion; but Mr. Grimstone, and some other courtiers, spoke on this occasion on the contrary side. However, it was moved, and resolved, That the House would, upon the Monday morning next, resolve itself into a committee of the whole House, to consider of the motion for a Supply. After this it was also resolved, To address his majesty, that the Treaty made between the late king Wilham and the present king of Sweden, he laid before the House.

April 6. Pursuant to the above Address, Mr. Secretary Stanhope laid before the House a copy of the said Treaty.

April 8. The Commons went into a committee of the whole House, to consider of the motion for a Supply to be granted to his majesty, against the designs of Sweden for the future; for the necessity of which, general Stanhope alledged several reasons, and was seconded by Mr. Craggs, jun. Mr. Boscawen, Mr. Aislabie, and several others. On the other side, Mr. Shippen, Mr. Hungerford, Mr. Hutcheson, the lord Guernsey, Mr. Herne, member for Dartmouth, Mr. Ward, and some others, urged, That it was unparliamentary to grant a Supply before the occasion was known, and an Estimate of the expence was laid before the House, that the king's Message about this matter, was so unprecedented, that his majesty's ministers seemed to be divided about it; and that it was a great misfortune such divisions should happen among the ministry, for then a parliament cannot have a true information of things: that they could not easily apprehend what occasion there was to make new Alliances, since we had a standing army in Great Britain, and a considerable fleet at sea, which sufficiently secured his majesty's kingdoms against any danger from Sweden: that if we designed to make an offensive war against that crown, why did we not send part of our forces on board our fleet? Especially, since we were now secure at home, both by the suppression of the late Rebellion, and by the conclusion of the Triple Alliance, which the regent of France had begun faithfully to perform, by causing the Pretender to pass the Alps. However, if the court insisted on the necessity of entering into new engagements against Sweden, they thought it proper to address his majesty, to acquaint the House with the nature of those engagements, and the sum that was requisite to make them good.

Mr. Secretary *Stanhope* answered, That the discovery of the late Conspiracy, carried on by the Swedish ministers, in conjunction with the discontented party at home, sufficiently evinced the necessity of a standing army in Great Britain, that the Treaty of Triple Alliance seemed, indeed, to secure us against any danger on the part of France; but that it was to be observed, that the said Treaty had met with so great opposition at the French court, that had not the regent stickled strenuously for it, it would have infallibly miscarried; and though hitherto we had all the reason imaginable to commend the honesty and candour of that prince; yet, in good policy, we ought not to depend on that treaty any longer than it shall be the interest of France to observe it. And as to the motion for the Address, he added, That it would be injurious to the king's prerogative of entering into such alliances as his majesty thinks necessary for the good and security of his dominions, without communicating the same to his parliament: which prerogative was grounded on very good reasons; for if the crown was obliged to impart the secret of affairs to so great a number of persons, the most important negotiations must thereby miscarry.

Sir *Gilbert Heathcote*, an alderman of London, mentioned the great losses and damages which the British subjects had sustained by their ships being made prizes, and confiscated in Sweden; and observed, That the king of Sweden having several times refused to make satisfaction; and, on the contrary, his ministers having endeavoured to raise a new rebellion in his majesty's dominions, there was ground to declare war against him.

Mr. *Gould*, member for Shoreham, replied, That the Dutch having sustained as great losses by the Swedes, they had an equal concern with Great Britain to declare war against them; and therefore it would be proper, before the House proceeded farther, to engage Holland, in the first place, to prohibit all commerce with Sweden, as we had done.

Mr. Secretary *Stanhope* said, That he made no doubt but that the States General would readily come into any measures that should appear necessary for the good and interest of both nations in general, and to obtain satisfaction for the late depredations of the Swedes in particular: that their High Mightinesses had lately given signal instances of their firm adherence to the crown of Great Britain, in causing the Swedish ministers to be seized in their dominions, upon his majesty's desire; but that the form and constitution of their government, and the good of their subjects, who mostly subsist by trade, did not permit them to take such vigorous and speedy resolutions as could be wished; and therefore it would not be fair to exact the same from them.

Mr. *Craggs*, jun. pressed the necessity of making new alliances against Swedeo, from the late doubtful conduct of a northern potentate, (meaning the Czar of Muscovy) who, by his inactivity against Sweden, and the post some of his troops had taken, gave great umbrage to the empire.

Mr. R. Walpole, sir Edward Northey, and lord Molesworth, spoke also on the same side

Sir *William Thompson*, in particular, urged, What would the world think of this parliament, if they should refuse to supply the king at this exigency?

On the other hand, Mr. Compton (the Speaker) and Mr. Smith said, That they were not against the Supply, but against the demanding and granting of it in such an unparliamentary manner; and Mr. Speaker proposed, That part of the army should be disbanded, and the money, thereby saved, applied towards the making good such new engagements as were thought necessary to be entered into; but lieutenant general Mordaunt, and some others, urged how unsafe and impolitic it would be, at this juncture, to disband any of the troops.

Mr. *George Caswell*, a goldsmith, closed the debate by a short smart speech which was much applauded. He said, That for his own part he would rather pay others for fighting than fight himself: that he thought it more advantageous for Great Britain to carry on the war abroad, and enjoy peace at home, in order to improve our trade, and reduce our public debts; and that, as the employing foreigners against Sweden, would be a far less expence than national troops, he therefore was for complying with his majesty's message.

At last, about five in the afternoon, the question being put, upon the motion for a Supply, the same was carried in the affirmative, by 164 against 149.

April 9. Mr. Farrer reported the said Resolution to the House, upon which there arose a fresh, but short debate; Mr. Shippen, Mr. Hungerford, Mr. Hutcheson, Mr. Smith, Mr. Herne, and others, insisted again on the unparliamentariness of asking and granting Supplies without an estimate of the expence; and proposed, either to present an address to the king to assure him, That the House would effectually make good all the engagements his majesty should think proper to enter into; or that his majesty be desired to disband part of the army, and apply the savings towards the new alliances. Both these expedients were opposed by general Stanhope, Mr. R. Walpole, Mr. Hor. Walpole, Mr. Bathe, and Mr. Hampden; the last of whom in particular, in answer to what was suggested, That this manner of asking and granting Supplies, was unparliamentary, and unprecedented, said, That he remembered about ten or eleven years before, a great man in that House (meaning Mr. Compton the Speaker) made a motion for allowing and providing for about 900,000*l* which the government had expended without having any estimate before the Commons. To this Mr. Speaker said, He wondered that a gentleman would bring in as a precedent, a business that was transacted so many years ago, and which was not parallel to the present case. Whereupon Mr. Hampden replied, That he did not thereby intend to reflect upon Mr. Speaker, since he had the honour to vote with him upon that occasion.

A Supply granted only by a Majority of Four Votes.] After this, the Resolution for granting a Supply to his majesty, to concert such measures with foreign princes and states, as may prevent any charge or apprehensions from the designs of Sweden for the future, was agreed to, though by a majority only of 153 against 149.*

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* "The good understanding between the different members of administration, did not long continue. It soon appeared, that the king's promises of favour, made by Bernsdorf to Townshend and Walpole, were not fulfilled; and that he placed his chief confidence in Sunderland and Stanhope. New divisions took place; Townshend and Walpole continued to defend the measures of government, but their support was cold and formal, and so different from their former zeal, as plainly shewed extreme dissatisfaction. Sunderland had now considerably increased his party, and thought himself sufficiently strong to carry on the public business, and defy the opposition. In this situation, an open rupture in the cabinet was unavoidable. The first public symptoms of this difference appeared in the House of Commons. On a motion that a Supply be granted to enable the king to concert such measures with foreign princes and states, as may prevent any apprehensions from the the designs of Sweden for the future: Walpole, who, on all such occasions used to give a great bias to the House, maintained a profound silence, and the Resolution was carried by a majority of only four voices.

"As it was evident that this mode of inimical proceeding originated from the party of which Townshend was leader, he received, on the same evening, a letter from Stanhope announcing his dismission.

"The king himself so highly appreciated the services and talents of Walpole, that he dreaded his resignation, and was persuaded to remove Townshend, under the belief that he would still remain at the head of the treasury. When Walpole, therefore, on the following morning, requested an audience, and gave up the seals, the king was extremely surprised. He refused to accept his resignation, expressed a high sense of his services, in the kindest and strongest terms; declared that he had no thoughts of parting with so faithful a counsellor; intreated him not to retire, and repaired the seals in his hat. To this Walpole replied, with no less concern than firmness, that however well inclined he might be to obey his majesty's commands, yet it would be impossible to serve him faithfully with those ministers to whom he had lately given his favour. 'They will propose 'to me,' he said, 'both as chancellor of the 'exchequer, and in parliament, such things, 'that if I agree to support them, my credit

Mr. Walpole brings in the Redemption Bill, and acquaints the House with his Resignation.] April 10. Mr Robert Walpole presented to the House, according to order, a Bill 'for redeeming the Duties on Houses, and charging 'the same with a lesser incumbrance; and for 'redeeming so much of the Fund commonly 'called the Aggregate Fund, as relates to the 'present Exchequer-Bills, and for circulating 'Exchequer-Bills at a less charge to the public, 'pursuant to several powers of Redemption, 'contained in former acts of parliament; and 'for continuing several annual and other payments out of the residue of the said Aggregate 'Fund.' Upon the bringing in of this bill, Mr Walpole* gave the House a hint of his having resigned his places, by saying, 'That he now presented that Bill as a country gentleman, but he hoped it would not fare the worse for having

'and reputation will be lost; and if I disapprove or oppose them, I must forfeit your 'majesty's favour. For I, in my station, 'though not the author, must be answerable 'to my king and to my country for all the 'measures which may be adopted by administration.' At the conclusion of these words, he again laid the seals upon the table; the king returned them not less than ten times, and when the minister as often replaced them on the table, he gave up the struggle, and reluctantly accepted his resignation, expressing great concern and much resentment at his determined perseverance. At the conclusion of this affecting scene, Walpole came into the adjoining apartment, and those who were present, witnessed the anguish of his countenance, and observed that his eyes were suffused with tears. Those who immediately entered into the closet, found the king no less disturbed and agitated.

"These removals were soon followed by an almost total change in the administration. Devonshire, Orford, and Methuen, and Pulteney resigned, Stanhope was appointed first lord of the treasury, and chancellor of the exchequer; Sunderland and Addison secretaries of state; the duke of Bolton lord lieutenant of Ireland; and the duke of Newcastle lord chamberlain; the earl of Berkley first lord of the admiralty, and the duke of Kingston retained the office of privy seal, to which he had been nominated in the preceding year, on the resignation of Sunderland, who was made treasurer of Ireland for life."

Coxe's Walpole.

* "The resignation of Walpole happened at a time when he was exerting his abilities for finance, in the arrangement of a scheme highly advantageous to the country. When he was first placed at the head of the treasury, the National Debt amounted to 50 millions, and although the common interest of money had been reduced in the late reign to 5 per cent yet the interest of some of the debts was as high as 8, and none lower than 6; so that the average was 7 per cent. The difference between this rate of interest, and that on private mortgages, presented a real fund for lessening the public debt.

"This debt was considered under two heads; redeemable, and irredeemable. The redeemable, or such debts as had been provided for by parliament, with a redeemable interest of so much per cent. the public had a right and power to discharge whenever they were able, either by providing money for such proprietors as consented upon money, or by offering new terms, in discharge of all former conditions, which, if accepted by the proprietors, was to be deemed an actual redemption of the first debt, as if it had been paid off in ready money. As for the irredeemable debts, or long and short annuities, nothing could be effected without the absolute consent of the proprietors. The only method, therefore, to treat with them, was to offer such conditions as they should deem advantageous.

"Upon these principles Walpole gave the first hint of this great scheme, by proposing to borrow 600,000*l.* bearing interest only 4 per cent. and to apply all savings, arising from the intended redemptions, for the purpose of reducing and discharging the National Debt, which was the first resolution ever taken in parliament in order to raise or establish a general sinking fund. When he brought his scheme into the House, the project appeared so well digested and advantageous, that the opposition which had been intended was converted into approbation, and every article was agreed to.

"Unfortunately for the completion of this great arrangement, the able projector was no longer in office. On bringing in the bill, Walpole gave a hint that he had resigned his places, by saying, 'that he now presented it as a country gentleman,' but hoped that it would not fare the worse for having two fathers, and that his successor would take care to bring it to perfection.' The difficulties which he had to encounter in this scheme, will appear from the consideration, that no reduction of interest could be made without the consent of the public creditors themselves. It was solely by his address and management, that the companies of the Bank and South-sea, agreed not only to reduce their own interest, but to furnish large sums for the discharge of such proprietors of the redeemables as should refuse to comply with an equal reduction; a striking proof of the general esteem in which he was held by the proprietors of the national debts; of their regard for his judgment, and confidence in his equity.

"The resignation of Walpole caused a great sensation in the House of Commons, where regret for the want of his talents for finance, seemed to prevail, and he was as much inveighed against for resigning, as he was afterwards reviled for remaining in power. His withdrawing from government at this crisis, was called a defection, a criminal conspiracy, with a view to embarrass the king, and to force him to comply with his unwarrantable demands."—Coxe's Walpole. [Here Debate on that

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two fathers: and that his successor would take care to bring it to perfection.

Further Debate on the Supply.] April 12. The Commons went into a committee of the whole House, to consider of the Supply granted to his majesty; and Mr. Secretary Stanhope having made a motion for granting to his majesty the sum of 250,000*l.* to enable him to concert measures against Sweden; there was for a minute or two a great silence in the House.

Mr *Pulteney*, who broke it first, expressed his surprize at it; and added, That as for his part, he had not yet said any thing to this matter, because he thought it inconsistent with decency to oppose a motion that came from the court, while he had the honour to be his majesty's immediate servant; but that having resigned his place, that he might act with the freedom becoming an Englishman, he could not forbear declaring against the granting a Supply, in a manner altogether unparliamentary and unprecedented: that he could not persuade himself, that any Englishman advised his majesty to send such a Message; but he doubted not, but the resolutions of a British parliament would make a German ministry tremble. He was seconded by the

Lord *Finch*, who even found fault with some steps that had been taken in relation to the affairs of the Northern Alliance; and said, That it appeared by the Memorial presented by the Russian minister, and by the Answer returned, that such measures had been pursued as were like to engage us in a quarrel with the Czar. Upon this

Mr. Secretary *Stanhope* spoke in vindication of the king and his ministers, in relation both to the Czar and the king of Sweden. With respect to the first, he said, That he had hitherto been obliged to be silent; but that he was now at liberty to set this matter in a clear light, and to acquaint the House, that the coldness which appeared of late between the king and the czar, proceeded from his majesty's refusing to become guarantee of his czarish majesty's conquests; and from his majesty's soliciting the czar to withdraw his troops from the duchy of Mecklenburg: that as to the first of those matters, his majesty's conduct deserved the applause and the thanks of a British parliament, since it appeared thereby, that his majesty was tender not to engage the nation in foreign quarrels: that this, indeed, had been his majesty's principal care, since his happy accession to the throne; and he might assure them, that Great Britain was entirely free from any engagements, and at liberty to follow such measures as best suit with her interest: that as for the instances which his majesty has caused to be made with the czar, and the measures he may have concerted, to get the Russian troops out of the duchy of Mecklenburg, his majesty has acted in all this as elector and prince of the empire: that he was persuaded, all the gentlemen there would agree with him, that the king's dignity, as king of Great Britain, was never understood to tie up his hands with respect to his interests in Germany, and a prince of the empire. but besides, he must desire gentlemen to consider, that long before his majesty's accession to the crown, Great Britain was in strict union with the emperor and empire; so that if, by virtue of ancient alliances, the emperor should require Great Britain to use those instances with the czar, which the king has made only as elector of Hanover, Great Britain could not avoid complying with his request: that in relation to Sweden, the king's conduct was not only blameless and unspotted, but worthy of the highest commendations: that in the late queen's time, Great Britain interposed to procure a neutrality in the North, whereby the king of Sweden might have preserved his possessions in the empire: That the regency at Stockholm agreed to this overture; but that the king of Sweden rejected it with haughtiness and the utmost scorn, declaring, he would use those as his enemies, who should pretend to impose such a neutrality upon him: That during the whole course of that negotiation, the king, then elector of Hanover, used all friendly offices in favour of Sweden: That all this having proved ineffectual, through the king of Sweden's obstinacy, and the king of Denmark having, by the fortune of war, re-conquered the dutchies of Bremen and Verden, his majesty, as elector of Hanover, has purchased the same with his own money, for a valuable consideration: That although it never was in his majesty's thoughts to engage Great Britain in a war to support that acquisition, yet, if gentlemen would give themselves the trouble to cast their eyes upon the map, to see where Bremen and Verden lie, he hoped they would not be indifferent as to the possessor of these two dutchies, but would agree with him, that their being in the king's hands suits far better with the interest of Great Britain, than if they were in the hands either of the czar, who gives already but too much jealousy to the empire; or of the king of Sweden, who endeavoured to raise a new rebellion in Great Britain, and harbours our fugitive rebels.

Mr. *John Smith* answered Mr Secretary Stanhope, and said, That he had already declared his reasons for opposing the granting this Supply in such an extraordinary manner; and that some expressions that had escaped a gentleman in the ministry, instead of making him alter his opinion rather confirmed him in it: That as, on the one hand, he never affected popularity; so, on the other hand, when the good of his country came under consideration, he always spoke his thoughts with the liberty that becomes an Englishman, without any regard to the ministers: That he did not pretend to be thoroughly acquainted with affairs abroad; but having had the honour to sit so long in that House, where so great a variety of business, both foreign and domestic, had often been debated, he might presume to have some knowledge of them; That, however he would not say any thing to

what had been advanced by the honourable member who spoke last; but if an estimate of the conduct of the ministry, in relation to affairs abroad, was to be made by a comparison of their conduct at home, he was sure they would not appear altogether so faultless as they were represented. Was it not a mistake, added he, not to preserve the peace at home, after the king was come to the throne, with the universal applause and joyful acclamations of all his subjects? Was it not a mistake, upon the breaking out of the Rebellion, not to issue out a Proclamation, to offer pardon to such as should return home peaceably, as had ever been practised before upon such occasions? Was it not a mistake, after the suppression of the Rebellion, and the trial and execution of the principal authors of it, to keep up animosities, and drive people to despair by not passing an act of indemnity and grace, by keeping so many persons under hard and tedious confinement, and by granting pardons to some, without leaving them any means to subsist? Is it not a mistake, not to trust to a vote of parliament, for making good such Engagements as his majesty shall think proper to enter into; and instead of that, to insist on the granting of the Supply in such an extraordinary manner? Is it not a mistake, to take this opportunity to create divisions, and render some of the king's best friends suspected and obnoxious? Is it not a mistake, in short, to form parties and cabals, in order to bring in a bill to repeal the act against occasional Conformity?

Mr Secretary *Stanhope* replied, That he had had the honour to serve his majesty, since his happy accession to the throne, but as there were other persons, some of them in, and others out of place, who had a greater share than himself in the administration of affairs, he left it to them to justify themselves: That however, he would clear a principal point, by assuring the committee, that he had, some time ago, the king's orders to draw up an Act of Indemnity.

Mr *Barrington Shute*, member for Berwick, said, That the king was indeed come to the throne with the joyful acclamations of most of his subjects; but that the disaffection that appeared soon after, did not proceed from the ill conduct of his ministers, but solely from the removal of some persons in great employments: That nevertheless, in the changes that were then made, his majesty had followed the rules of prudence, justice and gratitude, since he advanced those, who, in the worst of times, had given undoubted proofs of their affection and attachment to his interest, in the room of those who had been preferred in the last reign, as the fittest instruments to destroy the Protestant succession even before it took place, and who had since been in open rebellion against his majesty: That as for the other mistakes charged upon the administration, they might be reduced to these two, viz. The not passing the Act of Indemnity, and the design to repeal the Occasional Bill: That as to the first, there were various opinions about it; and considering the restless spirit of the discontented party, it was hard to determine, whether an Indemnity was a proper way to reduce them; since it was notorious, that the repeated instances of clemency which his majesty has given since his accession, have been abused and despised: That as to the repeal of the acts against the dissenters, nothing, in his opinion, was either more just or reasonable; and he could not but wonder, that a gentleman (meaning Mr. John Smith) who had been turned out of his employment in the last reign, and restored since the king's coming to the crown, should account it a mistake, on the one hand, not to grant an Indemnity to his majesty's declared enemies; and a mistake on the other hand, to make his majesty's undoubted friends easy.

Mr. *Smith*, after an explanation, demanded and given about his being turned out of place and restored, replied to the last part of Mr Shute's speech, That he ever was for allowing liberty of conscience to the dissenters, and had even voted against the Occasional Bill, but that the same being passed into a law, it was his opinion, that it could not be repealed without disquieting the whole nation.

Mr. *Yonge*, member for Honiton, spoke next, and said, That some days before, he had been against the motion, for granting a Supply upon the king's message, because he thought it unparliamentary, and it was then his opinion to address the king, to enter into such engagements as his majesty shall think proper, and that the Commons would make good the same; but that, since the majority of the House had determined to grant a Supply, they had brought themselves to this dilemma, either to grant what was asked as necessary for the service, or to tell the king, that that service must remain unperformed, which they had in a manner determined to be necessary by granting a Supply. This speech was backed by

Mr. *Gould*, who owned, That we could not carry on our trade to the Baltic, without bringing the king of Sweden to reason, and therefore he was for granting this supply.'

Mr. *Robert Walpole*, who brought up the rear, said, That having already spoken for the supply, he would not refuse the court his vote, and the sum being named, he was for granting it.

Hereupon, it was carried without dividing, "That a sum not exceeding 250,000*l.* be granted, to enable his majesty to concert such measures with foreign princes and states, as may prevent any charge or apprehensions from the designs of Sweden for the future."

April 16. Mr. Farrer having reported this Resolution to the House, some of the members endeavoured to render it ineffectual, by moving that it should be re-committed. To debate this motion with more freedom, Mr Bromley, taking notice that several peers, and others, were got into the House, moved, that the House be cleared of all strangers; which being done accordingly, Mr. Shippen insisted on the re-consideration of the Resolution in question. He

was seconded by Mr. Hungerford, sir Thomas Hanmer, Mr Herne, and Mr Lawson; but the other party called for the question; and the said Resolution being read a second time, was agreed to by a majority of 153 against 132 *

April 16 Mr. Boscawen having acquainted the House with his majesty's desire, that they would adjourn till the 6th of May, the House accordingly adjourned to that day.

The King's Speech respecting a Reduction of the Land Forces, an Act of Grace, &c] May 6. The King went to the House of Lords, and the Commons attending, his majesty commanded the Lord Chancellor to read the following Speech to both Houses:

"My Lords and Gentlemen;

"It is with great satisfaction that, after this short recess, I can acquaint you with the certain advice I have received, that my fleet is safely arrived in the Sound, which, by the blessing of Almighty God, will secure these kingdoms against any immediate danger of an invasion.

"I have, by these means, an opportunity, which is very acceptable to me, of making a considerable reduction in our Land-Forces, having established it as a rule with myself, to consult the ease of my people in every thing, so far as is consistent with their safety And, for my own part, as I shall always place my greatness in the prosperity of my subjects, so I shall always desire that my power may be founded in their affections It is upon these considerations, that I have given orders for the immediate reducing of 10,000 men.

"That nothing may be wanting in me to quiet the minds of all my subjects, I have likewise given directions to prepare an Act of Grace; and however it may be received by those who are obstinately bent on the ruin of their country, I promise myself, that it will raise a due sense of gratitude in all such as have been artfully misled into treasonable practices, against my person and government, and preserve them from standing in need of the like mercy for the future, when such an instance of clemency may not be so expedient for the public welfare, as it would be agreeable to my own inclinations

"Gentlemen of the House of Commons,

"I thank you for your readiness to support me in the present juncture of affairs, and for the Supplies which you have given; and do promise you, that they shall be employed for the uses to which you designed them

"I shall order such faithful accounts to be laid before you the next session, as will make it appear, there was no other view in asking any particular Supply, than to prevent a much greater expence, which the nation must have unavoidably incurred without it.

"I must recommend to you, as I did at the beginning of the session, to take all proper methods for reducing the public debts, with a just regard to parliamentary credit.

"My Lords and Gentlemen;

"The year being so far advanced, I hope you will go through the public business with all possible dispatch and unanimity, it being my intention to meet you early the next winter, that the sitting of parliament may be brought into the more usual and convenient season"

The Lords' Address of Thanks.] The King being withdrawn, the Lords voted an Address of Thanks, which was presented next day, as follows.

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty our most humble thanks for your majesty's most gracious Speech from the throne, and for your majesty's having taken effectual care to prevent all immediate danger of an Invasion upon these your kingdoms, by sending your fleet so early into the Sound: and we

* "By this time there was almost a total change in the ministry. The earl of Sunderland was appointed secretary of state, as was also Mr. Joseph Addison: Mr Stanhope was made first commissioner of the treasury, and chancellor of the exchequer: lord Torrington, Mr Wallop, Mr. Baillie of Jerviswood, and Mr. Micklethwaite were the other commissioners of the treasury; sir William St. Quintin, Mr Methuen, and Mr Edgecombe, being removed. Mr. Craggs was declared secretary at war; Mr. Charles Stanhope, coadjutor to Mr. Lowndes, secretary to the treasury; and Mr Joseph Micklethwaite, secretary to Mr. Stanhope, as chancellor and under treasurer of the exchequer. The earl of Orford resigned his place of first commissioner of the admiralty, which was given to the earl of Berkley The rest of the commissioners of the admiralty were, Mr Aylmer, sir George Byng, Mr Cockburne, and Mr. Chetwynd. The duke of Bolton was appointed lord lieutenant of Ireland, and his place of lord chamberlain of the household, was bestowed on the duke of Newcastle. The duke of Devonshire resigned his place of president of the council." Tindal.

"It was remarked by observers at that time that in the comparison the gentlemen who left their places were not succeeded by gentlemen as well qualified for them. Mr Addison was allowed to be an excellent writer and poet; but no body thought he was so well acquainted with affairs of state as Paul Methuen, esq. who had from his youth been accustomed to such transactions: neither did any one think that sir Thomas Micklethwaite, was as fit for the treasury board as William St Quintin: or John Cockburn, esq. for that of the admiralty, as George Dodington, esq but the comparison was much more unequal still between general Stanhope and R. Walpole, esq. as first lord commissioner of the treasury, and chancellor of the exchequer: As to James Craggs, esq. who was made secretary at war in the room of William Pulteney, esq. those that made comparisons had nothing to say." Oldmixon, p. 615.

cannot but acknowledge, with the greatest satisfaction, your majesty's most tender regard to the ease of your people, in giving orders, as soon as it was consistent with the public safety, for reducing so considerable a number of the land forces.

"We also give your majesty our most humble thanks, for your having communicated to your parliament, your intention to pass an Act of Grace, which we hope will have all the good effects your majesty so reasonably and justly expects from it.

"And we take this occasion to assure your majesty, that we will, with the utmost zeal and duty, defend and support your majesty's sacred person and government, against all your enemies both at home and abroad.

The King's Answer.] His majesty's Answer thereto, was as follows.

"My Lords,

"I thank you kindly for this very dutiful Address; your zeal and affection to my person and government, is what, under God, I shall always principally rely on."

Mr. Lechmere moves for an Address, and reflects on Mr. R Walpole and others for resigning their Places.] The Commons being returned to their House, Mr. Lechmere moved for an Address to his majesty, which not being opposed, a committee was appointed to draw one up

Mr. *Lechmere*, in his speech for this Address, animadverted upon such of the members as had lately resigned their places, as it they intended to distress the king's affairs

Mr *Walpole* thought fit, in his own vindication, to say, That persons who had accepted places in the government, had often been reflected on for carrying on designs, and acting contrary to the interest of their country; but that he had never heard a man found fault with, for laying down one of the most profitable places in the kingdom: that, for his own part, if he would have complied with some measures, it had not been in the power of any of the present ministers to remove him; but that he had reasons for resigning his employments, with which he had acquainted his majesty, and might perhaps, in a proper time, declare them to the House. In the mean while the tenour of his conduct should shew, that he never intended to make the king uneasy, or to embarrass his affairs and concluded with moving, That the bill, 'For redeeming the Duty on 'Houses,' &c. might be read a second time. Upon this

Mr Secretary *Stanhope* tepresented, That several things in that bill wanted to be amended and rectified, and therefore he moved, that the second reading of it might be put off to the next day se'nnight; which was ordered accordingly. He likewise made use of that opportunity to take notice to the House, That he understood it had been the common practise of those concerned in the administration of the treasury, to make bargains for the public, with the governors and directors of companies, by which some private advantages were generally made but that, in his opinion, such bargains ought to be made at the bar of the House, by the representatives of all the Commons of Great Britain; and if any advantages could be made, the public ought to have the benefit of them.

The Commons' Address of Thanks.] May 7. Mr. Lechmere reported the Address to his majesty, as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, crave leave to approach your sacred person, with hearts full of gratitude to your majesty for the many gracious declarations you have been pleased to make to us from the throne.

"Our duty to your majesty, and our concern for the security of your kingdoms, at a time when the nation was threatened with a desperate Invasion, obliged us to make provision for keeping up such a body of Land Forces, as might shew that we were in a posture of defence: but your majesty having grounds to hope, on the arrival of your Fleet in the Sound, that, by the blessing of God, a check will be put to that design, we must for ever acknowledge, that the early directions you have been pleased to give for reducing such a body of those Land Forces, is the most acceptable pledge you could give your people of your tenderness for them; and that your majesty has nothing so much at heart as their present and future welfare, and is such an instance of your great wisdom and goodness, as must for ever endear your majesty to all your subjects.

"We are bound to express our just satisfaction in your gracious intentions of mercy, as being highly conducive to the tranquillity of the kingdom, and a convincing proof of your majesty's desire to reign in the affections of all your subjects.

"We have so often experienced the happy effects of the confidence we have reposed in your majesty, that we can never entertain any doubt of the due application of any Supplies granted by us, and do receive, in the most dutiful and affectionate manner, your majesty's promise to lay the Accounts of such application before us, as a great instance of your justice to the nation.

"We are truly sensible how much the ease and prosperity of your subjects depends on the accomplishing that great and necessary work, of reducing the public Debts, and are resolved to carry it on in the most effectual manner, with just regard to parliamentary credit.

"We are likewise resolved, by the dispatch and unanimity of our proceedings, to convince the world, that we are inviolably engaged in duty and affection to your most sacred person and government, on the support of which the welfare and happiness of these kingdoms, under God, entirely depend."

Mr. Shippen moves for re-committing the Address.] After the reading the above Address,

Mr *Shippen* moved to have it re-committed; and that an Amendment might be made to that part of it which relates to the Army, which he proposed to be as follows, viz ' And ' your loyal Commons have no doubt but your ' majesty will be graciously pleased to make a ' further reduction of the Army, and to conti- ' nue only such a number of forces as hath ' been usually thought, in a time of peace, to ' be sufficient for the security of this kingdom.' To support his motion, he represented the danger of a standing army; urging, That in Cromwell's time, a force much less than what will remain in Great Britain after the reduction proposed, had overturned the monarchy, abolished episcopacy, put down the House of Peers, and driven the Commons from their seats.

He was seconded by Mr. Bromley, and backed by Mr. Heme and general Ross; but they were opposed by Mr. Secretary Stanhope, Mr. Robert Walpole, and also by

Mr. *Pulteney*, who declared, That before the discovery of the late Swedish Conspiracy, while he had the honour to serve his majesty as Secretary at War, he had received such directions as shewed his majesty's intentions, at that time, to reduce still a greater number of forces, than was now proposed; and therefore he did not doubt but his majesty would do it as soon as the safety of his kingdoms would admit of it. He added, That, in his opinion, the nation had no reason to fear any thing from an army, who, for near thirty years past, had given signal proofs of their firm adherence to the Protestant interest, and of their zeal to maintain the liberties of their country; and that if there was any danger at present, it was only from foreign counsels.

At length the question being put upon Mr Shippen's motion, it was carried in the negative by a majority of 168 against 80.

Papers relating to the 6,000 Dutch Troops in Scotland.] May 8 Mr. Pulteney acquainted the House, That he was apprehensive of some Mismanagements and Imbezzlements of the public money, in relation to the 6,000 Dutch troops, and the service in North Britain. Upon this it was resolved to present two Addresses to his majesty; one for an Account of the money given for the payment of the 6,000 Dutch troops, taken into his majesty's service during the late Rebellion, with the charge of the transportation of the said troops forwards and backwards, distinguishing each particular under its respective head; the other for an Account of the distribution of the extraordinaries and contingencies issued out for the service performed in North Britain during the late Rebellion.

The King's Answer to the Address of Thanks.] May 9. The House presented their Address of Thanks to the king for his Speech, who returned the following Answer:

"Gentlemen;

"It is with great pleasure that I find the directions I have given, to make a Reduction in the Army, and my intentions to grant an Act of Grace, are so much to the satisfaction of my faithful Commons. I thank you for the hearty assurances you give me of your affections to my person and government; and shall always make such an use of the confidence you repose in me, as may be most for the advantage of my people."

Debate on Sir W. Wyndham's Motion for Dr. Snape to preach before the House.] May 13. A warm debate arose on a very singular occasion.

Sir *Wm Wyndham* having moved, That Dr. Snape be desired to preach before the House at St. Margaret's, Westminster, upon the 29th of May; he was seconded by Mr. Shippen, and backed by all the members who had lately resigned their employments.

Mr. *Horatio Walpole*, who spoke first after Mr Shippen, said, That it was unusual, on such occasions, to put the negative on any man, whom a member of that House had thought fit to name; and that Dr. Snape was not only a person of merit and great learning, but had likewise the honour to be one of his majesty's chaplains.

Mr. *Robert Walpole* said, That he knew Dr. Snape to be a very learned, and a very honest man: that he had not only entrusted him with the education of his own children, but also recommended the sons of the duke of Devonshire and lord Townshend to his care; and therefore he could not but think, that he might be trusted with preaching a Sermon before that assembly.

Mr. *Lechmere* opposed them, and said, That he could not but wonder, that a member who had been one of the managers against Dr. Sacheverel, should now speak in behalf of a divine who had asserted the same notions of passive obedience and non-resistance, for which the other had been prosecuted; and who had lately attacked a strenuous and worthy champion of the Revolution and Protestant succession.

Mr. *Aislabie* answered, That he gave his vote to Dr. Snape because he looked upon him as a learned and honest man; And as for having written against the bishop of Bangor's [Dr. Hoadley] Sermon, he did not think it a sufficient reason to put upon him a negative, which would be prejudging of a controversy that did not properly belong to their cognizance.

Lord *Guernsey* also spoke in behalf of Dr. Snape.

Mr. *Hungerford* said, That if the court had not interposed, the doctor might have shown the bishop fine sport; but that the king having ordered his ministers to disband part of the army, they had, by mistake, disbanded the convocation

Sir William Wyndham's motion being thus strongly supported, and Mr Lechmere being backed only by sir Joseph Jekyll, Mr. Boscawen, Mr. Treby, and a few more, the question was put and carried in the affirmative, by 141 voices against 131. and sir William Wyndham and Mr Shippen were ordered to acquaint Dr Snape with the desire of the House *

* "As the change in the ministry had caused a division among the Whigs, some adhering to those that were in, and others to those that were out of place, an opposition was formed by those last in conjunction with the Tories, on several occasions. This evidently appeared when sir William Wyndham (who had been discharged) moved, that Dr. Snape should be appointed to preach on the Restoration of king Charles. The doctor was one of the king's chaplains, and master of Eaton-school, but was of high-church principles, and had lately attacked the bishop of Bangor. The controversy mentioned in this debate between the bishop of Bangor and Dr. Snape, was occasioned in this manner: Dr Benjamin Hoadley, famous for his steady adherence at all times to the principles of the Revolution, (for which he had been recommended to the throne by the House of Commons, and advanced to the see of Bangor) had lately published, 'A Preservative against' the Principles and Practices of the Nonjurors;' and soon after preached a sermon before the king, which was printed under the title of, 'The Nature of the Kingdom of Christ.' To this sermon Dr. Snape published an Answer; and, presently after, the lower house of Convocation (as they had before done with regard to Dr. Samuel Clarke's Scripture-Doctrine) entered upon the subject, both of the bishop of Bangor's Sermon, and of his Preservative. They appointed a committee of six of their members, to examine them, and made their report to the House. The Committee sat and drew up a Representation, in which both the Preservative and Sermon were censured, as tending, '1. To subvert all government and 'discipline in the church of Christ, and to re-'duce his kingdom to a state of anarchy and 'confusion. And 2. To impugn and impeach 'the regal supremacy in causes ecclesiastical, 'and the authority of the legislature, to inforce 'obedience in matters of religion by civil sanc-'tions.' This charge was supported by passages taken out of the Preservative and Sermon, and the whole drawn up in the form of a Report, to be laid before the Convocation. But the government, out of regard to the interest of the constitution, in church and state, thought proper to put a stop to these proceedings, by a prorogation to the 22d of November. As this was industriously represented to be the effect of the bishop's solicitation, and an argument of his fear, he publicly declared before the world, that the prorogation was ordered, not only without his seeking, but without so much as his knowledge or even suspicion of any such design, till it was resolved. It must be observed, that the representation was never approved of by the lower-house, so as to be made the act of it: Though many have been led to think it was, by the artifice made use of in the title page to the printed copy of it. The prorogation of the Convocation did not put an end to the controversy. For several of the members, since they could not attack the bishop, as a public assembly, resolved to take up the cause in a private capacity. Dr. Sherlock, who was one of the committee who drew up the report, seconded Dr. Snape, and these two were followed by many others, insomuch that the tracts published on this occasion, on both sides, are said to be about seventy." Tindal.

Proposals of the South Sea Company and of the Bank of England, for the Reduction of the National Debts.] May 20. The Commons having resolved themselves into a Committee of the whole House, to consider farther of ways and means for raising the Supply, granted to his majesty, Mr. Secretary Stanhope laid before them the respective Proposals of the South Sea Company, and of the Bank of England, which were read, as follows:

To the Honourable the Commons of Great Britain in Parliament assembled: The Governor and Company of Merchants of Great Britain, trading to the South Seas, and other parts of America, and for encouraging the Fishery, having under their consideration, how they may be most serviceable to his Majesty and his Government, and to shew their zeal and readiness to concur in the great and honourable design of reducing the National Debts, in such manner as may be consistent with, and for the support of, Parliamentary credit, do humbly propose,

"1. That they will be content, and do submit, that their present capital stock of 10,000,000*l.* be increased to the sum of 12,000,000*l.* either by subscription or otherwise, as by their general court shall be thought most expedient.

"2. That the 2,000,000*l.* so to be advanced, shall be paid into his majesty's exchequer, by four equal payments, the last whereof to be on or before the 24th of December next, and shall be employed towards redeeming the principal and interest charged on the four Lottery Acts of 1711 and 1712, and the Annuities of 5*l.* per cent. payable for the Bankers debt, contracted in the reign of king Charles 2, and not otherwise.

"3. That the present annual sums of 600,000*l.* and 8,000*l.* payable to the company, be continued to them, for and in respect of their said 10,000,000*l.*, until the 24th day of June 1718: and that for the 2,000,000*l.* to be advanced as aforesaid, there shall be allowed to the company an annuity after the rate of 5*l.* per cent. per annum, from the respective times of payment thereof into the exchequer, until the said 24th of June 1718.

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"4. That from and after the said 24th of June 1718, there be payable to the company, by weekly payments, as the funds shall produce, an annual sum of 600,000*l.* being after the rate of 6*l.* per cent. per annum, for the whole 12,000,000*l* together with their present allowance of 8,000*l* per annum, to continue until redeemed by parliament, as hereinafter is mentioned.

"5. That the present duties and revenues chargeable with the payment of the present annual sum of 600,000*l* and 8,000*l.* together with such duties and revenues as shall be redeemed by the said 2,000,000*l.* to be advanced as aforesaid, shall be continued and made the fund for, and chargeable with, the payment of the several annuities which, pursuant to this proposition, shall become due or payable to the company, and with all arrears thereof, incurred and to be incurred; and that the surplus of all the said duties and revenues, after such payment to the company as aforesaid, shall be applied and appropriated for and towards paying and discharging some other of the present national debts

"6 That the sums unpaid, charged on the general mortgage, 1710, which is part of the company's present funds, be paid out of the Aggregate Fund, to arise out of the savings of the several funds which shall be redeemed or reduced this session

"7. That all transfers of the company's present and increased capital stock, shall be free and exempt from any further duties, than the transfers are at present subject to by parliament; and that their present and increased capital and stock in trade, be exempt from all taxes and impositions whatsoever

"8. The company do submit, that the said annual sum of 600,000*l* for the said 12,000,000*l* and the said annual sum of 8,000*l* may be redeemable by parliament, upon a year's notice to be given by authority of parliament, on any of the four usual quarterly feast days, in the year, after the 24th of June 1725: and upon payment to the said governor and company of the said capital sum of 12,000,000*l.* and all arrears of the said annual sums of 600,000*l.* and 8,000*l.*

"By order of the general court of the aforesaid Governor and Company, May the 10th, 1717. JOHN URY, Secretary"

To the Honourable the Commons of Great Britain in Parliament assembled: The Governor and Company of the Bank of England, being willing to contribute their assistance, in the proposed design of easing the National Debts, in such manner as may be consistent with the support of Parliamentary credit,

"Humbly propose;

"That the original fund of 100,000*l* per annum, payable to the Bank in consideration of 160,000*l.* advanced for the service of the government, remain secured to them to the 1st day of August 1742, and a year's notice, as it stands confirmed to them by several acts of parliament

"That they are content to accept an annuity of 83,175*l* 7*s* 10½*d.* being after the rate of 5*l.* per cent. per annum, on the principal sum of 1,775,027*l.* 17*s* 10*d* ½, in lieu of the present annuity of 106,501*l* 15*s.* 5*d* payable to the said governor and company out of the duties no houses, to commence from the 25th day of March 1718, subject to redemption by parliament, on twelve months notice, after the 25th day of March 1723, and repayment of the principal and all arrears of the said annuity.

"As to the Exchequer-bills, issued by virtue of several acts of parliament, and now standing out for 456,185*l.* principal money, or thereabouts.

"The said governor and company are content to accept an annuity, after the rate of 5*l.* per cent. per annum, for the sum of 2,000,000*l.* part thereof to commence from the 29th day of September 1717, subject to redemption by parliament, on twelve months notice, after the 29th day of September 1720, and repayment of the said 2,000,000*l.* and all arrears of the annuity attending the same.

"And to continue the circulating, and exchanging for money, at demand, the remainder of the said bills, at the present allowance of 3*l.* per cent. per annum. And are also content, that the interest now payable on such bills, may be reduced to 1*d.* per cent. per diem, from and after the 29th day of September 1717; and that the said interest may cease on any of the said bills, during the time that such bills may be in the exchequer, or in the hands of any public officers, provided that the exchequer-bills hereby proposed to be circulated and exchanged for money, or any of them, be not redeemable, but upon 12 months notice after the 29th day of September 1724, and repayment of the principal and interest, and all arrears of the said allowance of 3*l.* per cent. per annum; and that the allowances of 45,000*l.* per annum, and 8,000*l* per annum, payable to the said governor and company, by several acts of parliament, for making exchequer-bills specie, until the same should be reduced to 1,900,000*l.* be continued to them until the 25th day of March 1716.

"That no more exchequer-bills, or bills of like nature, be issued without consent of the bank, until such redemption be made.

"The said governor and company are willing to advance the sum of 2,500,000*l* to the public, or such part thereof as may be wanted, in order to redeem the public funds, at such time and times, before the 25th of March 1718, and in such proportions as shall be found necessary at an interest of 5*l* per cent. per annum, redeemable by parliament.

"Provided that the five sevenths excise, house money, and duties of the aggregate fund, be settled to answer all these payments, with preference to all others, and that the corporation of the bank do continue with all its

capacities, privileges, and advantages, till all these redemptions are made.

"And that all such privileges and clauses as shall be thought necessary and reasonable, to enable the bank to perform the respective services proposed, be inserted in the bill to pass on this occasion, and that no further duties or taxes may be laid on their present or increased stock, nor on any transfer of the same, nor on any bonds or bills to be issued by the bank for the support of their credit

"Signed by the order of the governor and company of the bank of England Jn Ince, Secretary."

Debate on the said Proposals.] After the reading of these Proposals,

Mr. *Robert Walpole* raised objections against them, particularly against that of the South-Sea Company. He was seconded by

Mr. *Hutcheson*, who endeavoured to shew, That the nation would scarce gain this year 100,000*l.* by that bargain; and therefore he was for putting off this affair till the next session to give the communities time to make more reasonable proposals. He was answered by

Mr. *Lowndes*, member for St. Maw's, and secretary to the treasury, who said, He had much ado to find out the meaning of the member who spoke last; that in the same speech he had advanced, That the nation would gain nothing this year, and then owned that the nation would gain 100,000*l.* That supposing the gain to be no more than the last mentioned sum, yet the Proposal of the South-Sea Company was not to be rejected, since it would enable the nation to begin to reduce the public debts That in case the proposals of the communities were not thought reasonable, nothing, in his opinion, could be more effectual to bring the communities to reason than a vote of that House; and therefore the Commons needed but declare their intentions, and he did not doubt but the communities would comply therewith.

After Mr. Hutcheson had replied something by way of explanation,

Mr. *Hungerford* said, That for his own part, he ever was of opinion, that the parliamentary faith ought to be preserved untouched and inviolable; that by keeping up the national credit, England was glutted with money, and was become the general bank of Europe, while most of the neighbouring states were reduced to straights, and wanted specie. That France had lost her credit, or rather never had any; and if there was any money in that kingdom, it was in the hands of the regent; for what purpose he could not tell. That though the parliamentary faith ought to remain inviolate, yet he did not doubt but the wisdom of the representatives of the nation could find legal ways to reduce the interest of public securities, since the parliamentary faith consisted only in the securing the payment of the capital sums advanced by private persons for the use of the public. That he did not understand why the public should at that time, (he expressed great joy thereat, and pay a higher interest than a private man. That he knew by experience, and in the course of his business, that money may be had at 4*l.* per cent. on good securities; that there was on the floor a member of the House who had lent him 20,000*l.* at that rate; and therefore it was to be hoped, that the communities, duly weighing all this, would offer to the House more reasonable proposals.

Mr. *John Smith* backed Mr. Hungerford, and said, That one would have expected, that the communities and monied men, who, to make themselves popular, boast of their zeal for the present government, should on this occasion, have given convincing proofs of it, by contributing more than they offered to do, towards reducing the public debts, and easing the landed men, who for so many years have born the greatest part of the national burdens. That, in his opinion, it was of dangerous consequence to borrow money of the communities upon the foot of their proposals, since by the granting them a term of years, the parliament debarred themselves of the liberty of taxing public funds, which they had a right to do, in case of extreme necessity, without violating the parliamentary faith. That, for his own part, he thought the communities ought to be satisfied with one year's notice; but the season being so far advanced, that there could not be above five months before the next session, he was for putting off this business till then. and, in the mean time, the communities might maturely consider of it. Hereupon,

Mr. *Hopkins*,* a person extremely well con-

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* This was the Mr Hopkins alluded to by Pope, in his Epistle to lord Bathurst, on the Use of Riches:

"P. What Riches give us let us then enquire:
"Meat, fire, and clothes. B. What more? P. Meat, Clothes, and Fire.
"Is this too little? would you more than live?
"Alas! 'tis more than Turner finds they give.
"Alas! 'tis more than (all his visions past),
"Unhappy Wharton, waking found at last!
"What can they give? to dying Hopkins, heirs?
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* * * * * * * * * * * * *
"When Hopkins dies, a thousand lights attend
"The wretch, who living saw'd a candle's end
"Should'ring God's altar, a vile image stands,
"Behes his features, nay extends his hands.
"That live-long wig which Gorgon's self might own
"Eternal buckle takes in Parian stone. [fear
"Behold what blessings wealth to life can lend!
"And see, what comfort it affords our end!

"He was a citizen, whose rapacity obtained him the name of Vulture Hopkins He lived worthless, but died worth 300 000*l.* which he would give to no person living, but left it so as not to be inherited till after the second generation. His counsel representing to him how many years it must be before this could take effect, and that his money could only be at interest all

versed in money-matters, and much concerned in the public funds, spoke in behalf of the communities, and said, in substance, That he had as great a regard to the landed, as to the monied interest, not only because he had, God be thanked, some land of his own, but also because he was satisfied that the landed and monied interests are entirely the same, since the value of land rises or falls in proportion to the plenty or scarcity of money. That in the course of business, it is usual for those who borrow, to propose some advantage to the lenders, but that on this occasion, the Communities were so far from getting any thing by advancing money to the government, that on the contrary, they sacrificed their own interest to that of the public. That if this thing was rightly considered, it would be found, that the persons concerned in the South Sea Stock, by contenting themselves with an interest of *5l.* per cent. instead of six, to which they are intitled by an act of parliament, did, in reality, lose *20s.* in every *120l.* so that the company, by accepting the same annuity for twelve millions which they had before for ten, did in effect present the government with two millions, which being applied to the paying off the Lotteries and other redeemable Funds, great advantages might thereby accrue to the public. That he could not forbear taking notice of what had been suggested by some people without, That the interest of the public funds might be reduced at once by an act of parliament; but that he hoped no such thing was ever intended by any that sat in that House; for, in his opinion, it could not be done without violating the parliamentary faith, and giving a dangerous wound to public credit. This speech was answered by

Mr. *Astlabie*, who took notice, "That of late years the Companies of monied men were grown so proud, as not only to treat familarly with the parliament, but even to pretend to dictate to them; that therefore it was high time to give them a check, and let them know, that the landed men, and their representatives, were masters of the main spring and stock of the wealth and strength of the kingdom: and concluded, for putting off this business until the next session." Hereupon,

Colonel *Martin Bladen**, Comptroller of the Mint, shewed how dangerous it was to delay an affair of so great importance, and he was backed by sir Fisher Tench, member for Southwark. On the other hand,

Mr. *Pulteney* said, He did not know what private advantage some persons might have in accepting the Proposal of the South Sea Company; but that, in his opinion, no term of years ought to be granted, or, at most, not above three years

Mr. Secretary *Stanhope*, being sensible that the opposition made against the Proposals of the Communities, and the reflection of private advantage, were chiefly levelled against him, thought fit to vindicate himself: "He ingenuously owned his incapacity for the affairs of the Treasury, which were so remote from his studies and inclination, that therefore he would fain have kept the employment he had before, which was both more easy, and more profitable to him; but that he thought it his duty to obey the king's commands. That, however, he would endeavour to make up, by application, honesty, and disinterestedness, what he wanted in abilities and experience That he would content himself with the salary and lawful perquisites of his office; and though he had quitted a better place, he would not quarter himself upon any body to make it up: that he had no brothers, nor other relations, to provide for: and that, upon his first entering into the Treasury, he had made a standing order against the late practice of granting Reversions of Places."

Mr. *Robert Walpole*, who thought himself reflected on in what Mr. Secretary Stanhope had said, replied with great warmth, complaining of breach of friendship, and betraying private conversation. He frankly owned, That while he was in employment, he had endeavored to serve his friends and relations; than which, in his opinion, nothing was more reasonable, or more just. That as to the granting reversions, he was willing to acquaint the house with the meaning of it: That he had no objections against the German ministers, whom his majesty brought with him from Hannver, and who, as far as he had observed, had all along behaved themselves like men of honour; but that there was a mean fellow,* of what nation he could not tell, who took upon him to dispose of employments, that this man having obtained the grant of a Reversion, designed for his son, Mr. Walpole thought it too good for him, and therefore kept it for his own son That thereupon that foreigner was so saucy as to demand of him the sum of 2,500*l.* under pretence, that he had been offered so much for the said Reversion; but that he was wiser than to comply with his demand. And that one of the chief reasons that made him resign his places, was, because he would not connive at some things that were carrying on.

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said, "They would be as long in spending, as he had been in getting it." But the Chancery afterwards set aside the will and gave it to the heir at law" Pope's Works, vol. 3, p. 284, Bowles's Edit 1806.

* "Colonel Martin Bladen was a man of some literature, and translated Cæsar's Commentaries. He was uncle to my dear and lamented friend, Mr. William Collins the poet, to whom he left an estate, which he did not get possession of till his faculties were deranged and he could not enjoy it. I remember Collins told me that Bladen had given to Voltaire all that account of Camoens inserted in his Essay on the Epic Poets of all Nations; and that Voltaire seemed before intirely ignorant of the name and character of Camoens." Dr. Joseph Warton. Note to Dunciad, b. 4. l. 560.

* Alluding to Robethon.

Mr. Secretary Stanhope answered. Mr. Walpole replied; and some hard expressions having escaped them in the heat of the dispute,

Mr *Hungerford* endeavoured to put a stop to it. I am sorry, said he, to see these two great men fall foul on one another; however, in my opinion, we must still look upon them as patriots, and fathers of their country; and since they have, by mischance, discovered their nakedness, we ought, according to the custom of the East, as the Scripture tells us, cover it by turning our back upon them. He added, that this unlucky accident had, however, produced some good, in that it had revealed a piece of secret history, viz. the scandalous practice of selling places and reversions; and therefore he moved, That the honourable member who made the discovery might be called upon to name the person. Nobody seconding this motion,

Sir *Joseph Jekyll* brought back the attention of the assembly to the business under consideration, and shewed the danger of putting off till the next winter, the conclusion of an affair of so great consequence. He was backed by

Mr. *Aislabie*, who said, That as he never designed, so he would not be thought to oppose any thing that carried the face of public good; and therefore he was for granting to the South Sea Company the term of years that had been mentioned, viz. six years, and a year's notice.

The question being put thereupon, it was carried without dividing. The Speaker having resumed the chair, Mr Boscawen acted the part of a common friend, between Mr Secretary Stanhope and Mr. Walpole, saying, That it was melancholy to see that any difference should happen between those two worthy members, unbecoming their own characters, and the dignity of that assembly; but that it would still be a greater misfortune, if they should go out with any resentment, and therefore he moved, That the House would lay their commends upon them that no farther notice be taken of what had passed. Mr Methuen seconded Mr. Boscawen, whose motion being unanimously agreed to, the Speaker put it immediately in execution.

The Earl of Oxford's Petition to be tried.] May 22. The earl of Oxford presented a Petition to the House of Lords, setting forth: "That Articles of Impeachment were brought up by the House of Commons against him, the 9th of July 1715, at which time he was committed; and on the 2nd of August additional Articles were brought up; and the 3rd of Sept. the petitioner's Answer was delivered; and on the 19th of Sept. the Commons joined issue, by Replication: and, after several adjournments, the parliament re-assembled on the 9th of Jan. 1716, and continued sitting until the 26th of June 1716; upon which day his majesty was pleased to put an end to that session of parliament, by a prorogation; and on the 20th of February last his majesty opened this present session; and the Petitioner has remained a prisoner since the said 9th of July 1715;" and praying, "That this House will take the circumstances of his case into their consideration; being assured that their lordships will determine thereupon according to the rules of justice and course of parliament, and that it was not their intention that his confinement should be indefinite."

Debate whether the Earl's Impeachment was superseded by a Prorogation.] The lord Trevor, who presented the above Petition, spoke in the earl's behalf, and was seconded by the duke of Buckingham, lord Harcourt, the earls of Nottingham and Abingdon, and lord North and Grey. It was suggested, That the Impeachment was determined by the intervening Prorogation of the parliament, which being opposed by lord Cowngsby, a Committee was appointed to search precedents.

May 25th, lord Trevor made his Report from the said Committee, upon which the question was put, Whether the earl of Oxford's Impeachment was determined by the intervening Prorogation? The dukes of Buckingham and Argyle, the earls of Nottingham, Abingdon, Aylesford, and Ilay, lord North and Grey, were for the affirmative: but the earl of Sunderland and lord Cowngsby maintained the negative; and the lords Harcourt and Trevor being of this last opinion, the question was carried in the negative by 87 voices against 45.

Protest on that occasion.] Thereupon the following Protest was entered.

"Dissentient".

1. "Because there seems to be no difference in law between a Prorogation and a Dissolution of a parliament, which, in constant practice, have had the same effect as to determination, both of judicial and legislative proceedings; and consequently this Vote may tend to weaken the Resolution of this House, May 22, 1685[a], which was founded upon the law and practice of parliament in all ages, without one precedent to the contrary, except in cases which happened after the Order made the 19th of March, 1678, which was reversed and annulled in 1685; and in pursuance hereof, the earl of Salisbury was discharged in 1690.

2. "Because this can never be extended to any but peers, for by the statute 4 Edward 3, no Commoner can be impeached for any capital crime, and it is hard to conceive, why the peers should be distinguished and deprived of the benefit of all the laws of liberty, to which the meanest commoner in Britain is intitled; and this seems the more extraordinary, because it is done unasked of the Commons; who, as is conceived, never can ask it with any colour of law, precedent, reason or justice. (Signed) Nottingham, F. Roffen, North and Grey, Bathurst, Abingdon, Mansell, Hay, Guilford, Dartmouth, Foley, Bruce."

After this, the duke of Buckingham moved for fixing a day for the Trial of the said earl;

[a] See vol. 15. p. 1249.

upon which a Committee was appointed to search the Journals of the House for precedents of the Lords proceedings in the like cases.

Debate on a Motion for fixing a day for the Trial of the Earl of Oxford.] May 27. The lord Trevor, from the Lords Committees, made a Report, containing several Precedents from the year 1666 to 1716, of the Lords appointing the day of Trial upon Impeachments of the House of Commons. The clerk having read the said Report a second time,

The Duke of *Buckingham* made a speech, wherein, among other things, his grace represented, That it concerned the whole peerage of Great Britain, to put a speedy end to this affair, because the peers are chiefly liable to prosecutions of this nature. That he would not enter either into the merits of the cause, or into the reasons which the Commons had for not prosecuting their Impeachment; but that it was certain, that the peer who occasioned this debate, had been confined about two years; that unless this House interposed, his imprisonment might become perpetual, and therefore, since it appeared by so great a number of precedents as had been laid before them, that the peers have an uncontested right to appoint the day of Trial, they ought, in his opinion, to make use of that right on this occasion. That he doubted not but all the members of that assembly would readily agree with him as to the thing itself; and if there were any difference of opinion amongst them, it would be as to the day. That considering the advanced season of the year, and the approach of summer, which rendered the being in town very disagreeable and incommodious, he thought not only both houses of parliament, but the king himself, would be glad of a recess, to enjoy the country air; and therefore he was for appointing a short day, and named the 6th of June following.

The Lord *Ferrers* seconded the duke of Buckingham; but

The Earl of *Sunderland* answered, That no man had a greater regard to the privileges of the peerage, or would do more to maintain them than himself: that he had a hearty concern for the sufferings of those who have the misfortune to be under Impeachments: that he had already complained, in the case of the earl of Strafford, of the delays of the Commons in these prosecutions, because he thought the whole peerage concerned therein: but that there might be just reasons for these delays; and therefore, to preserve a good correspondence between the two Houses, he was either for sending a Message to the Commons, to know whether they were ready for the Trial of the earl of Oxford, or to fix the 15th of June for the said Trial.

The Lord *Townshend* said, That the Saturday before, when another question relating to this affair, was under debate, the House seemed inclined to appoint a short day; that a noble lord had made a motion for it; and so he was for the 6th of June.

The Duke of *Buckingham* said, That noble peer ought not to bring in a motion made before, as an instance of the sense and inclination of the House; urging, That a motion is nothing of itself, unless it be seconded, and afterwards confirmed by a vote; but that any member of that assembly, was at liberty to name what day he pleased. After this

The Lord *Coningsby* made a speech, importing, That it appeared, indeed, by the Report of the Committee, that, in cases of Impeachments, the Lords have the right to appoint the day of Trial; but that it appeared, at the same time, that they had seldom exercised that right, till after they had been acquainted by the Commons, that they were ready for the Trial. That if the peers acted otherwise on this occasion, it might create a misunderstanding between both Houses, which might be attended with dangerous consequences. That the instance of the four peers who were impeached towards the end of the late king William's reign, which was much insisted on, was an odious precedent, and such as, he hoped, would not be followed at this time. That therefore, before they proceeded further they should send a Message to the Commons, to give them notice to prepare for the Trial of the earl of Oxford; and then, upon their Answer, the peers might determine what they should think proper. Urging, that this method appeared the more reasonable, because several accidents had intervened, which had interrupted the proceedings of the Commons, and in particular, the prorogation of the parliament. That he would charge no body with such a design, but that he could not forbear saying, that the said prorogation seemed to have no other view, than to screen great offenders from the justice of the nation; and that this was the more apparent, from the great struggle there was in that House, the Saturday before, to procure a vote, That the Impeachments were superseded by the prorogation. That this, however, was certain, that the Commons had thereby lost the best evidence they had in their hands, one Prior, one Hailey, &c. having been set at liberty by the prorogation.

Several peers seemed offended at his lordship's naming persons in that manner; and

The Lord *North* and *Grey* said thereupon, That that noble lord had been so long among the Commons, that he appeared to be very well acquainted with, and much concerned for their privileges; but that he must give leave to those who were born peers, to take care of their own. That the greatest prerogative of the peers was to be the supreme court of judicature, and as they were the utmost resort of justice, so he doubted not but they would ever make justice the standard of their proceedings. That the whole peerage was concerned in the earl of Oxford's case, and therefore he was for appointing the short day that had been named for his Trial.

The Duke of *Buckingham*, who backed this speech, animadverted upon what lord Coningsby had insinuated about the prorogation, saying, That such an insinuation was arraigning the

royal prerogative of proroguing and dissolving parliaments, whenever the crown thinks it convenient, or the king's privy council, who might advise the exercise of the said prerogative.

The Lord *Harcourt* having shewed the necessity of putting an end to this affair, said, They ought, in his opinion, to give the Commons a longer day than had yet been proposed; that on this occasion, they ought to proceed according to the rules of equity and justice, and even of the inferior courts, who, the longer a cause had been suspended, by unforeseen interruptions, allowed the more time to the counsel to prepare for trial. That it was his opinion, that the longer day, provided it were peremptory, was the shortest way to make an end of this business; for if they appointed a short day, the same might occasion disputes between the two Houses, which would take up a great deal of time; That it was to be hoped, that if the peers allowed a reasonable time for the Trial, the same would not be prevented by a prorogation; especially considering, how long the peer who lay under an *Impeachment*, had been confined.

The Duke of *Buckingham* said thereupon, That he did not understand the paradox that was just now advanced, viz That the longest day was the shortest way to come to a determination of this affair: that let the peers appoint what day they think fit, yet the Commons have still a right to demand more time, nor can the Lords, in justice, deny it, if the Commons shew just reasons for their demand. And as for the prorogation, which it was apprehended might prevent the Trial, the same entirely depended on the royal prerogative; and if such a thing should happen, nobody could say any thing to it; concluding, that whatever he had said on this occasion, was merely out of regard to public justice, and to the prerogatives of the peerage: for, he hoped, no body would suspect him of partiality to the lord who occasioned this debate.

The 13th of June appointed for the Trial of the Earl of Oxford.] Then the question being put, That the 6th of June be appointed for the Trial of the earl of Oxford and earl Mortimer; it was carried in the negative by 85 votes against 44. Then it was resolved, without dividing, that the 13th of June be appointed; and a message was immediately sent to the Commons to acquaint them therewith.

May 30. The Commons having taken the said Message into consideration, appointed a Committee to consider of the State of the Impeachment against the said earl. Several members of the Secret Committee, who first pushed on that prosecution, being called up to the House of Peers, as sir Richard Onslow, the lord Coningsby, and sir Robert Marsham; some absent, and others grown remiss and indifferent in the matter, it was thought proper to supply those defects, by adding to the remaining members of the said Secret Committee, Mr Carter, sir William Thompson, serj. Birch, serj. Pengelly, serj. Reynolds, and Mr. Guidott. And it was ordered, That the said Committee have power to send for persons, papers, and records, and to adjourn to such times and places as they should think fit.

Dr. Snape has the Thanks of the House for his Sermon.] The same day, sir William Wyndham moved, That the Thanks of the House be given to Dr. Snape, for the Sermon by him preached before this House the day before, at St. Margaret's Westminster, and that he be desired to print the same. He was seconded by Mr. Shippen, and opposed by the same party who had opposed the doctor's preaching, but the question being put, was carried in the affirmative by 86 voices against 70.

June 3. The Secret Committee met for the first time, and chose Mr. Carter for their Chairman, in the room of Mr. Walpole, who absented himself; and general Stanhope happening at this time to be indisposed, the Committee met several times without being able to do any business. This was the reason why four other persons were added to the rest, viz Mr. Addison, Mr. Craggs, jun. sir Nathaniel Mead and Mr. Jessop.

Debate on the Affair of the 6,000 *Dutch Troops.*] June 4. The House, according to order, was to resolve itself into a Committee of the whole House, to take into consideration the several papers relating to the Charge of Transportation of the Dutch Troops, to and from Great Britain; and likewise the Papers relating to the contingencies and extraordinaries for services performed in North Britain during the Rebellion *: but the courtiers observing, that the Tory-party, now strongly reinforced by the discontented Whigs, had the majority, a motion was made, That the ingrossed Malt-Bill be read a third time. This motion being contrary to order, was opposed, not only by all the Tories, but also by many of the court-party, who were not in the secret of it; so that after a debate of about an hour the question being put was carried in the negative by a vast majority. This preliminary skirmish had, however, the effect the court-party expected, which was only to give time to their absent friends to come to the House. In the mean while, the court-party having proposed Mr. Farrer to be

* "In order to pass a censure on lord Cadogan, Mr. Pulteney acquainted the Commons, that he was apprehensive of some mismanagements and embezzlement of public monies in relation to the six thousand Dutch troops, and the service in North Britain. Upon this it was resolved to address for an account of the money given for the pay and transportation of these forces, and of the distribution of the extraordinaries and contingencies for service performed in Scotland, during the Rebellion. But, after all the inquiry into the affair by Mr. Pulteney, Mr. Walpole, and others, nothing material was found against the lord Cadogan." Tindal.

chairman of the grand committee, Mr. Walpole put up Mr. Edgcombe in opposition to him; and the former doubting their strength, chose rather to yield, than to run the hazard of a disappointment; so that Mr. Edgcombe was accordingly placed in the chair. This done, the Clerk proceeded to the reading of the Papers, that had been laid before the House, relating to the transportation of the Dutch forces, after the reading of which,

Mr. *Pulteney* made a speech, wherein he shewed, That there had been great sums of money embezzled in this Expedition; that he could not fix the fraud upon any body; but that it plainly appeared, that the sum of upwards of 2,000*l.* was twice charged for the same service, viz. for transporting the Dutch Forces into Great Britain. This was answered by

Mr. *Craggs*, who, in particular shewed the reason, why the respective sums of 2,045*l.* and 2,061*l.* were charged for Transports. On the other hand, lieutenant general Macartney, who had assisted the lord Cadogan in taking care of the marching and embarkation of the Dutch Troops, being examined at the bar, vouched several particulars relating to the provisions and transports. But nevertheless, Mr. Robert Walpole, Mr. Shippen, and Mr. Smith, maintained Mr. Pulteney's assertion, with a great deal of warmth, and made severe reflections on the persons employed in bringing over the Dutch Troops. On the contrary, Mr. Lechmere, gen. Stanhope, Mr. Hampden, sir William Thompson, and Mr. Arabin, spoke in vindication of the lord Cadogan.

Mr. *Robert Walpole* supported Mr. Pulteney's charge with much vehemence, and at two different times, spoke near the space of two hours, and strained his voice to that degree, that he was taken with a violent bleeding at the nose, which obliged him to go out of the House; but came back before the question was put. The main stress of his reasoning was, That by the papers that had been read, there was an apparent fraud; though he could not say, but that it might afterwards appear otherwise; and he could not tell, but that the lord Cadogan might produce other evidence to prove his innocence.

Sir *Joseph Jekyll* took notice of the inconsistency of Mr. Walpole's argument; for if the fraud was apparent, it was consequently real; and if such, it was impossible to appear otherwise, and consequently for the person on whom the fraud was laid, to prove himself innocent; but that, in his opinion, neither was there any apparent fraud, nor, if there were, could it, with any justice or equity, be charged on the lord Cadogan, who, in all this affair, acted only as a public minister, and not either as a commander, or an agent; concluding with some praises on his lordship, who in military affairs, held the second rank, next to that Great Man to whom every body allowed the first.

Mr. *Lechmere* likewise distinguished himself on this occasion; and urged, That this enquiry was altogether frivolous and groundless: that as it was the result of party pique and malice, so it had no other view than to blacken and asperse a person whose greatest crime was, that he had real bright qualities, that drowned the tinsel merit of others. That this enquiry was of the same nature with those that had formerly been set on foot against the duke of Marlborough, the lord Townshend, and an honourable member of that House; and he hoped, would have the same end. That it looked very strange, that the persons who now appeared the boldest in this enquiry, should have been silent about these pretended frauds while they were in place: but that it was still more surprising to hear them exclaim, with so much rancour and bitterness, against a noble lord, of whom they had been heard to say, That the speedy suppressing of the Rebellion in Scotland, was, under God, owing to his activity and indefatigableness; and that if another general had had the management of that affair, he would have made it a ten years' war.

Mr. *Hungerford* spoke in favour of the lord Cadogan, and said, He wondered there was so much noise made about a Dutch reckoning, that by all that had been laid before them, the lord Cadogan appeared very innocent; and therefore he thought he deserved rather the praise, than the censure of the House.

After both parties had maintained the conflict till near eight in the evening, Mr. Secretary Stanhope, in order to let the business drop, moved, That the chairman leave the chair: Which, upon the question being put, was carried in the affirmative by 204 against 194.*

Farther Proposal from the Bank of England.] June 5. Mr. Farrer reported from the Committee of Ways and Means, for raising a Supply, That the Bank of England had laid before them another Proposal, as follows:

"To the honourable the Commons of Great Britain in Parliament assembled.

"The governor and company of the Bank of England, having understood the Resolutions of this honourable House, in a Committee of Ways and Means, on the 22nd and 24th of this instant May; and having observed the several particulars wherein the said Resolutions do

* "This was looked upon as a great victory on the court side; for, had the Tories and their 'new allies,' as Mr. Shippen called them, gained their point, it was apprehended, that they designed, not only to have passed a censure on lord Cadogan, but also to have carried the inquiry further, that they might have an opportunity of returning thanks to the duke of Argyle, his rival in the business of Scotland. Most of the Scots members voted for lord Cadogan; but, though Mr Hungerford spoke in his favour, yet he voted with his enemies; and the lord Finch and sir Thomas Hanmer were absent from the House that day." Tindal.

differ from the Proposal laid before this honourable House by the said governor and company, on the 17th of this month; do consent to the several Alterations; except,

"That, in consideration of their past services; the many difficulties they have struggled with, in supporting public credit; their chearful concurrence in redeeming their own funds; and their assistance in discharging other debts of the nation;

"They do humbly insist, That they may have as long a term of time allowed them for the future redemption of their funds, as shall be granted to any other corporation this session of parliament:

"And that the Annuities, to be established for paying off the Lotteries, and other redeemable funds, may be made transferable, and payable, in the Bank; which service the said governor and company are willing to undertake, without any charge to the public, other than salary for clerks, and fees in passing the accounts: and that all such privileges and clauses, as shall be thought necessary and reasonable, to enable the Bank to perform the respective services proposed, be inserted in the Bill to pass on this occasion; and that no further duties or taxes may be laid on their present or increased stock; nor on any transfer of the same; nor on any bonds or bills to be issued by the Bank for support of their credit.

"Signed, by order of the governor and company of the Bank of England,

Jo. Ince, Secretary."

"To the honourable the Commons of Great Britain in Parliament assembled.

"Whereas the governor and company of the Bank of England did, by a Proposal delivered to this honourable House, in a Committee on Ways and Means, the 31st of May last, amongst other things, insist to have as long a term of time allowed them for the future redemption of their funds, as should be granted to any other corporation this session of parliament:

"The said governor and company, having taken the said paragraph in their said Proposal into further consideration, do submit themselves, in that particular, to the Resolutions of the honourable Committee, of the 24th of May last: that they humbly insist,

"That the Annuities, to be established for paying off the Lotteries, and other redeemable funds, may be made transferable, and payable, in the Bank; which service the said governor and company are willing to undertake, without any charge to the public, other than salary for clerks, and fees in passing the accounts:

"And that all such privileges and clauses, as shall be thought necessary and reasonable to enable the Bank to perform the respective services proposed, be inserted in the Bill to pass on this occasion; and that no further duties or taxes may be laid on their present or encreased stock; nor on any transfer of the same; nor on any bonds or bills to be issued by the Bank, for support of their credit.

"By order of the governor and company of the Bank of England, Jo. Ince, Secretary."

Resolutions respecting the Proposals of the South Sea Company and the Bank of England.] June 6. Mr. Farrer reported from the Committee of the whole House on the Supply, the Resolutions of the said Committee, which were as follow:

"1. That the present annual sums of 600,000*l.* and 8,000*l.* payable to the South Sea Company, be continued to them, for and in respect of their capital stock of ten millions, until the 24th day of June, 1718, inclusive.

"2. That, from and after the said 24th day of June, 1718, there be payable to the said company, by weekly payments, an annual sum of 500,000*l.*; being after the rate of five pounds per cent. per annum, for the said ten millions; together with their present allowance of 8,000*l.* per annum, to be continued until redeemed by parliament.

"3. That the present duties and revenues, chargeable with the payment of the present annual sums of 600,000*l.* and 8,000*l.* shall be continued, and made the fund for, and chargeable with the payment of, the said annuities of 500,000*l.* and 8,000*l.* as the same shall become due and payable to the company; and with all arrears thereof incurred, and to be incurred; and that the surplus of all the duties and revenues, after such payment to the company, as aforesaid, shall attend the further disposition of parliament.

"4. That the said annual sums of 500,000*l.* and 8,000*l.* be made redeemable by parliament, upon a year's notice to be given by authority of parliament, on any of the four usual feast days in the year after the 24th day of June, 1723; and upon payment to the said company of the said sum of ten millions, and all arrears of the said annual sum of 500,000*l.* and 8,000*l.*

"5. That all transfers of the said Company's stock shall be free and exempt from any further duties than the transfers are at present subject to by parliament; and that their capital, and stock in trade, be exempt from all taxes and impositions whatsoever.

"6. That the said Company be obliged to advance such further sums, not exceeding two millions, as the Commissioners of the Treasury shall call for, at any time or times before the 24th of December, 1717, at an interest not exceeding 5*l.* per cent. per annum, redeemable by parliament; and that the monies so called for, if any, be applied for or towards redemption of the principal and interest charged on the four Lottery-Acts of 1711 and 1712; and of the annuities of 3*l.* per cent per annum, charged on the hereditary excise; and that the said rate of 5*l.* per cent. per annum, to be paid to the said Company for the further sums so to be advanced, be secured as well upon the surplus of the said duties and revenues to arise over and above the said annuities, payable for the said ten millions; as also upon the

duties and revenues to be redeemed with the said sums, not exceeding two millions, to be further advanced, as aforesaid.

"7. That the annual fund of 106,501*l.* 13*s.* 5*d.* per annum, payable to the governor and company of the Bank of England, out of the duties on Houses, shall be continued to them to the 24th of June 1718.

"8. That an annuity of 88,751*l.* 7*s.* 10½*d.* being after the rate of 5*l.* per cent. per annum on the principal sum of 1,775,027*l.* 17*s.* 10½*d.* due to the governor and company of the Bank of England, in lieu of their present annuity of 106,501*l.* 13*s.* 5*d.* per annum, out of the duties on houses, be secured to the said company, from the 24th of June 1718; redeemable by parliament, on 12 months notice after the said 24th of June 1718.

"9. That the present allowances to the said governor and company of the Bank of England, payable to them for circulating, and exchanging for ready money, the principal sum of 4,561,025*l.* be continued to them until the 25th of December 1717.

"10. That an annuity of 100,000*l.* being after the rate of 5*l.* per cent. per annum on the sum of 200,000*l.* be secured to the said governor and company of the Bank of England, in consideration of their undertaking to deliver up as many of the present Exchequer Bills as shall amount to the sum of 2,000,000*l.* to be cancelled; and that the same annuity of 100,000*l.* do commence from the 25th of December 1717, redeemable by parliament, on 12 months notice, after the said 25th of December 1717, and repayment of the said 2,000,000*l.* and all arrears of the said annuity attending the same.

"11. That for undertaking to circulate, and exchange for ready money, at demand, the remainder, computed to amount to 2,561,025*l.* or thereabouts, of the said present Exchequer Bills, the allowance of 3*l.* per cent. per annum be continued and secured, to the said governor and company of the Bank of England; and that the interest, now payable on the said remaining bills, be reduced to one penny per cent. per diem, from and after the 25th of December 1717; and that such interest, running on any of the same bills, during the time they shall lie in the exchequer, or in the hands of any public officers, be saved to the public; and that the said exchequer bills, so to be circulated and exchanged, be redeemable, upon a year's notice, after the 29th of September 1717.

"12. That no more exchequer bills, or bills of the like nature, be issued, without consent of the Bank, until such redemption be made.

"13. That the said governor and company of the Bank of England be obliged to advance to the public such further sums, not exceeding 2,500,000*l.* as the commissioners of the treasury, or high treasurer, for the time being, shall call for, at any time or times, before the 25th of March 1718, at an interest of 5*l.* per cent. per annum, redeemable by parliament.

"14. That the Hamburgh money, and interest of the Aggregate Fund, be settled to answer all the said payments to the said governor and company of the Bank of England, with preference to all others.

"15. That the Annuities to be established for paying off the four Lotteries of 1711 and 1712, and the Bankers Debt, be made transferrable, and payable at the Bank.

"16. That the duty of 6*d.* on 40 ells of British linen exported be taken off.

"17. That the duties upon Linsead imported into this kingdom be taken off."

The first six of the said Resolutions, relating to the South Sea company, were postponed, and the rest of the said Resolutions were agreed unto by the House. After which it was ordered, That it be an instruction to the gentlemen who are ordered to bring in a Bill or Bills upon the Resolutions reported from the committee of the whole House, to whom it was referred to consider of the State of the Nation, in relation to the National Debt, which were agreed to by the House on the 23d of March last, that they do bring in a Bill or Bills pursuant to the Resolutions this day reported from the Committee of Ways and Means, and agreed to by the House; and that Mr. Chancellor of the Exchequer, Mr. Walpole, Mr. Baily, Mr. Micklethwaite, and Mr Lechmere be added to the gentlemen appointed to bring in the said bill or bills.—Then a motion being made, and the question being put, that the further consideration of the said postponed Resolutions be adjourned, it passed in the negative: And thereupon the House resumed the consideration of the postponed Resolutions, and they were agreed unto by the House. After this it was ordered, That it be an instruction to the gentlemen who were ordered to bring in a bill or bills upon the said Resolutions of the 23d of March, and the Resolutions reported from the Committee of Ways and Means, and (as before mentioned) agreed unto by the House this day, that they do bring in a bill upon the said six Resolutions, relating to the South Sea company, which were postponed, and are since agreed unto. Also ordered, That it be an instruction to the gentlemen who are to bring in the said bill, that they do thereto provide, that after the 24th of June, 1723, the principal money due to the South Sea company shall be redeemable by payments of not less than 1,000,000*l.* at a time.*

* "The Proposals of the Bank and South Sea being agreed to, three Bills were brought in, upon the Resolutions that had been made, in relation to the Public Debts, and all three passed into laws; namely, the General Fund Act, the Bank Act, and the South Sea Act.

"The General Fund Act recites the several acts of parliament for establishing the four Lotteries of the 9th and 10th years of queen Anne, the terms of years for which those revenues were granted, and states the annual produce of the several funds; namely, 155,000*l.* 186,670*l.* 160,000*l.* 160,000*l.* which, together with the

June 7. The Lords took into consideration the petition of the earl of Oxford, presented the day before, praying, "That the counsel formerly allowed him by their lordships, might be continued to him; and that sir Robert Raymond, knight, and Mr. Reeves might be added to them." But several lords having represented, that this last demand was irregular, it was rejected by the question.

June 8

gular, the same was rejected.* The duke of Buckingham said, however, on this occasion, "That as the whole peerage was concerned in a prosecution of this nature, he would readily give his vote for granting the earl of Oxford's request, if he thought it of any use to him; but that, in his opinion, all those who had impeached him of high-treason were, by this time ashamed of it; except, perhaps, one single person, who could be ashamed of nothing."

About this time, the Lords addressed his majesty, that he would be pleased to appoint a High Steward for the Trial of the earl of Oxford; in compliance to which address his majesty was pleased to appoint the Lord Cowper, lord high-chancellor.

Debate on a Motion for desiring the Lords to delay the Trial of the Earl of Oxford.] June 12 Mr. Carter reported from the Committee appointed to consider the state of the Impeachment against Robert earl of Oxford and earl Mortimer, "That the Committee had met several times, and made some progress in the matters to them referred; but that the prosecution of the said Impeachment having been interrupted for so many months by the intervention of many weighty and urgent affairs, which more nearly and immediately concerned the welfare, defence, and security of the kingdom; it was become absolutely necessary for those who should be appointed to manage the said Impeachment, to review, and carefully perase all the treaties, records, letters, and other papers, proper and necessary for supporting this prosecution; which being very voluminous, it would be impossible within the time appointed for the Trial, to adjust and apply the proper evidence to the several Articles.

Hereupon, it was moved, That a message be sent to the Lords, acquainting them with the reasons why this House could not proceed on the Trial of Robert earl of Oxford and earl Mortimer, at the time appointed; and to desire that the same might be put off to a further day. Upon this there was, for two or three minutes, a silence in the House, the members looking one upon another, waiting who should speak first. At last,

Mr. *Hungerford* rose up, and took notice of the great hardships which the earl of Oxford had undergone. Then

Mr. *Boscawen* expressed his concern, That a prosecution which the Commons had begun in so solemn a manner, and which was thought so necessary to vindicate the honour and justice of the nation, should, at last, be dropped; which, he was sure, would be a reflection on that House. Here again was a deep silence; and Mr. Speaker rising, in order to put the question,

Mr *Tuffnel* took that opportunity to speak as follows.

Mr. Speaker; I have not yet troubled this House upon any of the Impeachments. however, since I have given my assent to every article exhibited against the noble lord, I think it, to some measure, incumbent upon me, to declare the reasons why I did so. I am sure there is no gentleman in this House, that at any time more unwillingly comes into any thing that has the least appearance of severity towards his fellow-subjects, than myself. And I can, with a great deal of sincerity affirm, that no personal pique, prejudice, or resentment, ever did, and I hope never will, influence my vote; especially when either the life, the fortune, or the reputation of any man is concerned. What I did, I did out of a disinterested zeal; out of an indispensible love and duty to my country: and whatever may be the fate of this prosecution, I then thought and still am of opinion, that the measures which this noble lord entered into, as prime minister, have, if I may be excused the impropriety of the expression, laid a foundation for the ruin of his country. I have already declared, that I have, in every part of the accusation, voted against this noble lord. As to the articles of high crimes and misdemeanors, I believe there is nobody but thinks there was sufficient ground for them; as to the High Treason, where lay

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shall be directed or appointed by any future act of parliament, to be discharged out of the same, and for none other use, intent, or purpose whatsoever.' This clause constitutes the Sinking Fund, and shews of what it consists, and to what uses it is appropriated. Though there had been Sinking Funds before this time for the payment of particular debts, yet a Sinking Fund, for discharging the National Debt in general was first projected and formed in the year 1716, and till that time unheard of." Tindal.

* "You will see by the public prints that Monday next, come se'nnight, is appointed for the Trial of my lord Oxford, and that no less than six-and-twenty doughty members are appointed to manage it. The Lords have likewise settled the whole forms of proceedings. My lord has asked, that two lawyers more might be added to his counsel. yet is all this but a farce; for there is not a creature living who thinks he will ever be tried; for they publicly own, that they neither have, nor ever had, any evidence, and laugh at Impeachments, and Attainders and party gambols; and say, that all people deserve to be so punished, who presume to dispossess the Whigs of their indefeasible right to the administration. But since he is not to be tried, the next question is, in what manner he is to be brought off, so as to save the honour of his prosecutors? I think it will be by an Act of Grace. Others say, it will be by the Commons asking more time, and the Lords, of their party agreeing to refuse it. But as we are wholly ignorant of their intentions, it is possible that neither of these guesses may be right, and that they may keep him yet another year in prison; which my lord Marlborough seems passionately to desire." Erasmus Lewis to Dr. Swift. Swift's Works, vol. 16, p. 166, Ed. 1803.

the only difficulty, I must freely own, had I consulted only my private opinion, I could scarce have thought it included in the 25th of Edward 3. But when an honourable gentleman, who was then Chairman of the Secret Committee, undertook, in a fact which the House had already adjudged to be High Treason, to bring that matter as home to the earl of Oxford, as the Report had done to the then lord Bolingbroke; when he gave us all the assurances imaginable, that they had living and legal evidence to support the charge; such as it was almost the unanimous opinion of the Committee, might be given in Westminster Hall; and he hoped that since the House had thought fit to repose a confidence in them, it would not be expected the evidence should be discovered, lest it might give them an opportunity of being seduced, this, I say, and this alone, swayed my opinion. I then considered myself acting, not as a judge, but as a prosecutor. And when that very ingenious gentleman, whom I always hear with the greatest pleasure, and to whose judgment I always pay the greatest deference, I say, when his honour, his understanding, his veracity, his every thing was so far engaged, the only question with me was, whether it was reasonable to undertake the prosecution, or not? And upon these considerations I cannot but think I should have been extremely wanting in that duty which I owe to my country, if I should have declined giving my vote to bring an offender to public justice, when, at the same time, I was fully convinced that he had betrayed the honour and interest of this nation.

Mr. *Bromley* taking notice that the dint of this speech was principally levelled at Mr. Robert Walpole, endeavoured to vindicate him by saying, That though he was chairman of the Secret Committee, yet if any thing was done amiss among them, it were hard to lay all the blame at his door, since the whole committee were equally concerned in the Impeachments. As to the matter now under consideration, Mr. Bromley added, That they had been told above a year and a half ago, that the evidence was ready; but that they ought not to give the Lords the trouble of going through the whole Impeachment, since, in his opinion, twenty of the articles were altogether vain and needless. Some members resenting this assertion, Mr. Bromley immediately explained himself, saying, That if the two articles that were for High Treason, could be made good, the other twenty would be needless and magnificant.

Mr. *Shippen*, who spoke on the same side, said, among other things, That this Impeachment had been depending so long, that every body expected it would be dropt; and, indeed, unless the two Articles of High-Treason could be made good, he thought it unreasonable to give the two Houses an unnecessary trouble about the other Articles, by keeping them sitting in the hottest part of the summer. That, after all, those who had first begun the Impeachments, ought to be satisfied with having got the places of those that were impeached; which, indeed, seemed to be what they had principally in view; that the truth of this appeared evidently from the behaviour of the gentleman who was the most forward and active in the Impeachments, (Mr. Robert Walpole) whose warmth was very much abated since he was out of place*. That he did not mention this as a reflection on that gentleman, for whom he ever had a great respect; but that he was afraid this would lessen him in the esteem of others. That for his own part, he was not in the least surprised at this conduct: of which he had, of late, observed many instances: but that he ever disapproved it; that if he would have been a turn-server, he might, as well as other people, have got some good employment; but that he rather chose to be contented with a small private fortune, than betray his sentiments. And as an instance, he added, he could never be guilty of so much adulation, as to compliment a certain person with the rank of second general (meaning the lord Cadogan) to the prejudice of an honourable and worthy member of that House, (meaning general Webb) whose glorious actions had gained him an immortal name.

Mr. *Hungerford* then said, That for his own part, he ever was against Impeachments, because he had observed that they generally come to nothing; and as for the reflection made by the worthy gentleman who spoke last, he supposed it was meant for somebody else; [looking, as he spoke this, towards sir Joseph Jekyll, who sat near him, and who had spoken in behalf of the lord Cadogan.]

Sir *Joseph Jekyll* justified himself, both as to this, and as to the share he had in the Impeachment of the earl of Oxford; having, from the beginning, been against the Articles for High Treason. After this,

Mr. *Walpole* made a faint apology for himself, saying among other things, That he had of late looked over some of the most material papers relating to this Impeachment, and he was still convinced in his conscience, that the

* "We find him, who had spoken with such heat and force of argument against the makers of the peace of Utrecht, who had been the indefatigable chairman of the secret committee, and had drawn up that able report, which brought such heavy accusations against Oxford, now grown languid and lukewarm in the prosecution, absenting himself from the committee so often, that another chairman was chosen in his place, and ironically complimented, by Shippen, that he who was the most forward and active in the impeachment, had absted in his warmth since he was out of place. At length, by his contrivance, a feigned quarrel as to the mode of proceeding took place between the two Houses, and no prosecutors appearing on the day fixed for the continuance of the Trial, Oxford was unanimously acquitted." Coxe's Walpole.

late ministry had given themselves up entirely, and were ready to deliver up the nation to France. But having let drop an insinuation, as if many who followed his opinion in the business of the Impeachments, did it rather out of compliment to his person, than to his person,

Mr *Tuffnel* resenting this innuendo, immediately repeated the clause of it, by appealing to that honourable member, Whether he ever made his court to him? And whether he had not paid him more respect since he was out, then when he was in place? On the other hand,

Mr. *Lechmere* strongly supported the motion for the Message, and, among other things, said, It was no wonder that a certain set of men, who had, at first, opposed the Impeachments, should now be for letting them drop: and that this was yet the less surprising, in that the same gentlemen had constantly opposed all that had been proposed for the support of the present happy settlement, but that for his own part, he was of the same opinion he ever had been of, viz. that the nation could not prosper, till they had brought those to justice, who betrayed its allies in so scandalous a manner, and brought it to the very brink of ruin; and that he would venture his life in this prosecution

After this, it was carried, without dividing, That a Message be sent to the Lords, which was done the same day.

The Trial of the Earl of Oxford put off till the 24th of June] The Lords having received the said message, took it immediately into consideration The earl of Sunderland, moved to allow the Commons a fortnight longer, but the duke of Devonshire said, 12 days were sufficient, and so moved, "That the Trial be further adjourned to Monday the 24th of June." The Lords Trevor, Harcourt, North and Grey, and some others, insisted, That the Lords having fixed a peremptory day for the Trial, they ought not to grant any further time: but the question being put upon the duke of Devonshire's motion, the same was carried in the affirmative by a majority of 76 voices against 57.

June 13. The Lords sent a message to the Commons, to acquaint them with the said Resolution; which the Commons having on the 14th taken into consideration, it was ordered, 1. That Managers be appointed to make good the Articles of Impeachment against Robert earl of Oxford and earl Mortimer 2 That the Committee who were appointed to consider of the state of the said Impeachment, be the said managers. 3. That the said Committee have power to send for such persons, papers, and records, as shall be thought necessary to be used at the trial of the said earl, and that they have power to sit *de die in diem*, and to adjourn to such time and place as they think fit, and they are to prepare evidence, and to proceed in the most speedy and secret way they can, for the advantage of the prosecution. And 4. That Mr. Anthony Cratchrode be appointed Solicitor to attend the Managers, in prosecuting the Articles of Impeachment against the said earl."

PROCEEDINGS AT THE TRIAL OF THE EARL OF OXFORD] On the 24th of June, being the day appointed by the House for the Trial of the earl of Oxford, the Lords having adjourned themselves to the new erected Court, in Westminster-hall; and the Managers, and other members of the House of Commons having taken their respective places, the earl of Oxford was brought to the bar: then the Articles of Impeachment, the Earl's Answer, and the Commons' Replication being read,

The *Lord High Steward* opened the Trial, with the following speech.

"Robert Earl of Oxford and Earl Mortimer;

"It has been usual, before the Commons proceed, to say something from this place to persons in your lordship's present condition; partly by way of exhortation to a reasonable confidence in the great honour, justice, wisdom, integrity, and candour of their judges, their peers, the House of Lords in parliament assembled, and partly by way of direction, to assist them in their behaviour and conduct during the course of their Trial.—But, considering the many great offices your lordship has borne in the state, your long experience and known learning in all parliamentary proceedings, I cannot but think it would seem improper for me to be speaking to your lordship in that manner.—Wherefore I proceed barely to acquaint your lordship, and others whom it may concern, with such orders as the Lords have made, which it is fit should be taken notice of thus early in this Trial. 1. Your lordship and all other persons who have occasion to speak to this Court, must address their speech to the Lords in general, and not to any lord in particular. 2. Your lordship's counsel may be present at the bar in order to be heard to any point or matter of law, if such shall arise on either of the Articles for High-Treason: and that you may make your full defence by counsel, if you think fit, on the Articles for high crimes and misdemeanours, as well on matters of fact as of law. 3 That your Witnesses are to be examined on oath, as well to the Articles for High-Treason, as those for high crimes and misdemeanours."

Then the Lord High Steward, with the Lords leave, went down, and having seated himself by the table, told the gentlemen of the House of Commons, that they might now proceed: hereupon

Mr. *Stanhope*[a] said:

"My Lords, The distance of the Lord High Steward from this place may have been the occasion that we have mistaken something that fell from thence, we do therefore desire, to avoid all mistakes (and I believe we might be mistaken) for we understood by my Lord High Steward,

[a] Made Principal Secretary of State, Sept 24, 1714, in the room of William Bromley, esq. first Commissioner of the Treasury, and Chancellor of the Exchequer, April 13, 1717, in the room of Robert Walpole, esq. and created an earl of Great Britain, April 7, 1718.

"That counsel should be allowed the prisoner at the bar, as well to the Defence of the high treason, as to the high crimes and misdemeanors,' it is possible, we misapprehend his lordship, but we hope his lordship will be pleased to explain it to us. Hereupon

The *Lord High Steward* said, To prevent mistakes, I repeat what I said, That counsel for the lord the prisoner at the bar, may be present at the bar, in order to be heard to any matter or point of law (if any such shall arise) relating to the high-treason, and likewise to make that lord's Defence on the Articles of Impeachment of high-crimes and misdemeanours as well in matters of fact, as matters of law.—Then

Mr. Hampden, one of the Managers for the Commons, made the following speech:

"My Lords;

"The Commons of Great Britain in parliament assembled, out of indispensible duty to their country, and zeal for the preservation of the common liberties of Europe, have brought to your lordships bar, Robert earl of Oxford and earl Mortimer, late High Treasurer and privy counsellor of this kingdom, charged with the highest crimes and misdemeanours by him committed and done against the person, crown and dignity of his sovereign, the peace and interest of this kingdom, and in breach of the several trusts reposed in him.

"The Commons in their Charge set forth the many solemn Treaties and Alliances which had been entered into between the crown of England, and other princes and potentates of Europe for their mutual safety, from the consideration of the common danger which then threatened all Christendom, from the immoderate growth of the power of France.

"They likewise take notice to your lordships of the prosperous and flourishing condition which the liberties of Europe were in, when, under these Treaties and Alliances, it pleased Almighty God, to bless the confederate arms, under the command of their great and victorious general the duke of Marlborough, with such a series of successes as far exceeded their own expectations, and by the wisdom and unanimity of their councils, many signal advantages, both by sea and land, were obtained against the common enemy, whereby the glory of the confederate arms, and the reputation of Great Britain in particular, was raised to a higher pitch than in any former age.

"That in this prosperous condition of affairs, the Prisoner at the bar, with other evil-minded persons, enemies to the true interest of their country, as well as to the common liberties and welfare of Europe, did, by many wicked arts and insinuations, obtain access to her late majesty queen Anne, got into her councils, and into places of the highest trust, to make way for his and their pernicious enterprizes, formed a treacherous correspondence with the emissaries of France, and gave false and pernicious councils to her majesty.

"The particular Articles exhibited by the Commons, to which proper evidence will be applied, contain a charge,

"That this great person at the bar, having no regard to the honour or safety of his sovereign, or these kingdoms, wherewith he was intrusted, or to the many solemn engagements with the old and faithful allies of this nation, but being devoted to the interest and service of the common enemy, did, by private and secret negotiations, in breach of all public faith, maliciously and wickedly cultivate and improve the demands of the enemies of his country, more to their advantage than they themselves could have ever hoped for.

"That by clandestine and secret negotiations with the enemies of England, he gave up the particular interest of his own country; that he assumed to himself regal power, and in a time of open war, took upon himself to meet and treat with the enemy, without any authority or power from his sovereign, and did what in him lay to subvert the ancient and established constitution of this kingdom.

"That he concealed the advice and pernicious influence, whereby he had engaged his Sovereign, and prostituted her honour, which had been raised to the highest pitch of glory abroad, and been justly held in veneration with her allies: and the royal hand was, by the wicked arts of the prisoner at the bar, made the instrument to advance the interest of the common enemy.

"That by deceitfully amusing the allies of the crown of Great Britain, and by private, separate and unjustifiable negotiations, entered into and carried on by the prisoner at the bar, a lasting reproach was brought upon this nation, and the public faith of many treaties, wherein England was engaged in the most sacred and solemn manner, was notoriously violated, and the faithful allies of the crown amused and deceived

"That the Prisoner at the bar did, in the most fatal manner, impose upon and delude his sovereign, in accepting a pretended expedient from the enemy, which the enemy at the same time declared to be null and void. That the most unjustifiable and destructive measures were taken by him to dissolve the whole confederacy, without any regard to religion, liberty, or the faith of treaties, and in consideration of his wicked advice, great numbers of the confederate troops, who had, on many occasions, signalized themselves in the defence of the cause of Europe, were given up as a sacrifice to the fury and revenge of the enemy.

"My Lords;

"The Commons in their Charge set forth the particular measures concerted and taken by the prisoner at the bar, to complete the destruction of the common cause of Europe, and the Protestant succession to the crown of these realms. And they charge,

"That the Prisoner now before your lordships, did traiterously aid, assist, and adhere to the enemies of his queen and country, and ad-

vised and promoted the giving up to those enemies the important town and fortress of Tournay, together with Spain and the West-Indies.

"That he sacrificed the Trade and Commerce of Great Britain to its common enemy, without the least shadow of advantage procured to these kingdoms; and betrayed the national faith and honour of the crown, employing against his imperial majesty (the great and faithful ally of this kingdom) the naval power of the crown, and the Supplies granted by parliament, in direct violation of the Grand Alliance; and contrary to her majesty's repeated declarations from the throne, and her plain and full Instructions to her plenipotentiaries at Utrecht.

"That he took upon himself to exercise the most arbitrary and unwarrantable authority; assuming to himself the chief direction and influence in her late majesty's councils, and most wickedly prostituted the honour of the crown, and the dignity of parliament; totally depriving her majesty of the wholesome and necessary advice of her parliament, and misrepresenting the most essential parts of the negotiations of peace, to obtain the sanction of parliament to his wicked and pernicious proceedings, thereby fatally deceiving her majesty, her allies, her parliament, and her people, by several false speeches and declarations, concerted and advised by him, to be made by her majesty from the throne to her parliament, on the subject of the said negotiations of peace; and by such wicked and unexampled evil council, he did most ungratefully abuse the favour of his royal mistress, and by means of her authority misled her parliament into groundless and prejudicial Resolutions; and thereby not only prevented the just advice of the parliament to her majesty, in that critical juncture, but obtained the approbation of parliament to his mysterious and dangerous practices; and did not only deprive her majesty of the confidence and affection of her allies, but expose her majesty and her people to the contempt of the enemy.

"That he had used his utmost endeavours to subvert the ancient constitution of parliament, the great and only security of the prerogative of the crown, and of the rights, liberties, and properties of the people, and most wickedly attempted to destroy the freedom and independency of this noble House, the great ornament and nearest support of the crown; disguising his mischievous intentions under pretence of superior zeal for the prerogative of the crown; but by his false advice her majesty was deprived of the seasonable and wholesome councils of her parliament, and the prerogative perverted to the dishonour of the crown, and the irreparable mischief to the constitution of parliament.

"*My Lords*;

"The Commons have further charged the noble lord with Corruptions, in illegally misapplying moneys appropriated by parliament, and with preventing any parliamentary inquiry into the same; to the reproach and scandal of parliaments, the breach of his trust, the highest abuse of the goodness of his sovereign, and the greatest injustice and oppression of her subjects; and that he defrauded her late majesty of the public money with which he was entrusted, for the support of the honour and dignity of the crown.

"That this great person did assume to himself the supreme direction in her late majesty's councils, and did introduce to her majesty, for a pretended public minister, a traitor in disguise, named in the Articles; and gave such traitor several considerable sums out of her majesty's treasure, in a fictitious and scandalous manner; such person being sent into this kingdom, under false pretences, secretly to promote the interest of the Pretender, whereby the prisoner at the bar did ungratefully expose the person of her majesty, and notoriously encourage the adherents of the Pretender, to the apparent danger of the Protestant succession to the imperial crown of these realms. And

"Lastly, That this great person at the bar, did, by the most false and wicked councils and practices, betray and give up as a sacrifice to the implacable resentments of their enraged and powerful enemy, a free and generous people, the faithful and useful allies of this kingdom, the brave Catalans, who, by the evil measures concerted and taken by the prisoner at the bar, were betrayed into irrecoverable slavery; and the honour of the British nation, always renowned for the love of liberty, and for giving protection to the distressed assertors of it, therein most basely prostituted by the pernicious and detestable council of the prisoner at the bar.

"Thus your lordships have a view of the guilt in which the Treasons and other Crimes committed by the Prisoner at the bar have involved him: and it is with astonishment the Commons observe, That his Defence is an attempt to asperse the memory of his royal mistress with the blame of what was transacted during his administration, which, by imposing upon her, he had effected against her honour, and the good of his country, thereby attempting to reflect upon the justice of the House of Commons, and to cast an odium upon their proceedings against him. But we doubt not your lordships vindication of the honour of her late majesty, and the proceedings of the Commons in this prosecution.

"The Commons think it their duty to express the utmost abhorrence of the traiterous and wicked proceedings of the Prisoner at the bar, and to shew their resentment against him, as the author and promoter of them.

"They have found him abusing and betraying the honour of his royal mistress, into whose favour he had insinuated himself, for the most destructive and wicked purposes. They have found him insidiously dividing and weakening us and our allies, betraying our councils, traiterously giving up our strong holds, fortresses and defences of Europe, and her most wealthy and flourishing countries to the common enemy in time of open war; and contriving and effect-

ing the dissolution of the greatest and most noble Confederacy, that ever was formed and united in defence of the Protestant interest, and the glorious liberties of Europe.

"They have found him attempting to deprive these kingdoms of the only blessing left to their hopes, and which, by the Providence of God only, they now enjoy, the most auspicious government of his present majesty, the greatest and best of princes, whose magnanimity, wisdom, piety, and other princely virtues have filled the imperial throne of Great Britain, with a lustre unknown to any former age. To this attempt, the noble lord at the bar, wickedly endeavoured to defeat us of our happy prospect of lasting felicities, to a long succession of protestant princes in the royal line of his most excellent majesty, the most illustrious prince and princess of Wales, and their issue, eminently endowed with all graces and accomplishments for making a generous and free people happy; on the continuance of which succession, next under God, all that is dear and valuable to us, entirely depends.

"My Lords;

"The Commons justly resent and detest the reproach brought upon the faith and honour of their country, by the great evil minister at the bar, but they promise themselves your lordships will ever be a terror to all evil ministers, how great soever; and that your lordships can never fail to do justice to your injured country, upon all perfidious counsellors, who have a mind to destroy our religion, laws, and liberties."

Mr. Hampden having done speaking,

Sir *Joseph Jekyll* stood up, in order to make good the first Article of the Impeachment; but was interrupted, upon a motion made by the lord Harcourt, viz. That before the Managers proceeded further, he had a motion to make, whereupon their Lordships adjourned to their own House.

Debate in the House of Lords about the Method of the Managers proceeding to make good the Articles.] The Lords being come thither,

The Lord *Harcourt* represented, That the going through all the Articles of Impeachment, would take up a great deal of time to little purpose; for if the Commons could make good the two Articles of High Treason, the earl of Oxford would forfeit both life and estate, and there would be an end of the matter: whereas the proceeding in the method the Commons proposed, would draw the Trial into prodigious length; urging, that it would be a great hardship upon a peer, who had already undergone so long a confinement, to appear every day at their bar like a traitor, and be, at last, found guilty only of high crimes and misdemeanors; and therefore he moved, "That the Commons be not admitted to proceed, in order to make good the Articles against Robert earl of Oxford and earl Mortimer for High Crimes and Misdemeanors, till Judgment be first given upon the Articles for High-treason."

The lord Harcourt was seconded by lord Trevor, and the earls of Anglesea and Nottingham: but

Lord *Parker* answered them, That in all courts of judicature, it is the usual and constant method to go through all the Evidence before Judgment be given upon any part of the accusation; that though the House of Peers be the supreme court of the kingdom, yet it has ever a regard to the rules of equity, and even to the forms observed in the courts below: and as for the prisoner's appearing in the abject condition of a traitor, it was but a piece of formality which did him no manner of hurt, and to which persons of the highest rank had ever submitted, in order to clear their innocence.

The earl of Sunderland, lord Cowper, and lord Cadogan spoke on the same side; but the dukes of Buckingham and Argyle, the earl of Ilay, the bishop of Rochester, lord North and Grey, and lord Townshend, having strenuously supported the lord Harcourt's motion, the same was carried in the affirmative by 88 voices against 56.

The Lords resolve that the Commons proceed first to make good the Articles of High Treason.] The Lords being gone down again to Westminster-hall, sent a Message to the Commons to acquaint them therewith; upon which the Commons, in a Committee of the whole House, returned also to Westminster-hall, where the Lord High-Steward acquainted the Managers with their lordships' Resolution. Hereupon sir William Thompson, one of the Managers for the Commons, acquainted their lordships, that they conceived it to be so much the undoubted right of the Commons to proceed in their own method to maintenance of the Articles exhibited by them, and did apprehend that this resolution of their lordships might be of so fatal consequence to the rights and privileges of all the Commons of Great Britain, that they could not take upon them to proceed any farther, without resorting to the House of Commons for their direction therein.—Upon this the Lords and Commons went up to their respective Houses.

The Earl of Oxford's Trial put off to the 28th of June.] June 25. The Lords sent a Message to the Commons, to acquaint them, That their Lordships had ordered Robert earl of Oxford and earl Mortimer to be brought to the bar of their House in Westminster-hall, that day at eleven in the forenoon. Hereupon, the Commons resolved, *nem. con.* "That a Message be sent to the Lords, acquainting their lordships, that the Commons have taken into their consideration their Lordships' Resolution, communicated to their Managers, relating to the proceedings on the Trial of Robert earl of Oxford and earl Mortimer; and being desirous to preserve a good correspondence between the two Houses, have appointed a committee to search Precedents upon a matter of this great importance, and desire that their lordships will not proceed at the time appointed." Mr. Carter, who was ordered to carry this Message, being returned, reported, "That the Lords

having taken the same into consideration, agreed not to proceed on the Trial of the said Earl at the time appointed, but to proceed further on the said Trial on the 28th at eleven in the forenoon."

June 27. The lord Morpeth was sent from the Commons to desire a Conference with the Lords, which their Lordships having agreed to, and appointed the same presently in the painted chamber, the Managers of the Commons went thither and delivered to the Lords, the Commons' Reasons against their Lordships' Resolutions.

The Commons' Reasons against the Lords' Resolution communicated at a Conference.] The same day, the duke of Kingston, Lord Privy Seal, reported to the House of Lords, that they had been at the conference, and met Mr. Carter and other Managers for the Commons, who delivered to their Lordships a Paper, as follows:

"The Commons having taken into their consideration your lordships' Resolution communicated to their Managers relating to the proceedings on the Trial of Robert earl of Oxford and earl Mortimer, and being desirous, as far as in them lies, to maintain a good correspondence with your lordships, have desired this Conference: and have commanded us to acquaint your lordships, that they conceive it to be the undoubted right of the Commons, to impeach a peer, either for High Treason, or for high crimes and misdemeanors, or, if they see occasion, to mix both the one and the other in the same accusation.

"The Impeachment preferred against Robert earl of Oxford and earl Mortimer is one continued accusation, consisting of high crimes and misdemeanors, and also of charges of high treason. The facts in which the Articles preceding those of high treason are grounded, are laid together in the order of time, and follow one another successively, in the manner they were committed.

"As the Commons thought this the most natural method for exhibiting the several Articles against the said earl, they were of opinion, that they should proceed in the proof of these several facts after the same method, since it is manifest that in laying upon the course of such a wicked administration the preceding parts will give light to those which follow; and that the proof of the several Articles of high crimes and misdemeanors, would naturally lead to the proof of those of high treason.

"Your Lordships received these several Articles of Impeachment, without making any exceptions against the form in which they were exhibited. The said earl made his Answer to them in the same order, and has in no where insisted to be tried in any other method, so that the Commons are surprised to find a step put to their proceedings by an objection, which has never been insisted by the said earl, and which your Lordships had given them so little reason to expect, [illegible]

"To this must be added, that as the Commons only are masters of the evidence, and as upon that account they are best able to determine, what to charge first, and what next; so they are most proper to determine, in what method to proceed for the advantage of the prosecution, in the event of which all the Commons of Great Britain are so highly concerned.

"To which they further add, That they see no reason but that your lordships may as well invert the whole order of the Articles, as prescribe to the Commons those particular Articles on which they are first to proceed, which will necessarily produce such a confusion, both in the facts and evidence, as is by no means consistent with that clearness and perspicuity, in which the Commons think this affair ought to appear.

"The Commons, upon examining Precedents, do find divers precedents of Impeachments for high treason, and other high crimes and misdemeanors, in the same accusation; and do not find that the Lords ever objected to such proceeding, or ever gave judgment upon any particular Article of Impeachment, before the Commons had gone through, and concluded their evidence upon all the Articles, or so many of them as they thought fit; and the Commons are at as great a loss to conceive what arguments, or precedents, can be brought to support the Resolution of your lordships, to give judgment upon one part of the same accusation, reserving the other part for a subsequent trial, as they are to know what your lordships mean, by admitting the Commons to proceed upon the Articles of high crimes and misdemeanors, after the judgment is given upon the articles for high treason, supposing the judgment proper for high treason should be given against the said earl.

"For these reasons, the Commons assert it as their undoubted right, to proceed on the Trial of Robert earl of Oxford and earl Mortimer, after the method in which their managers were proceeding, when interrupted by your lordships' Resolution."

The Lords resolve to adhere to their former Resolution.] The Lords having, the same afternoon, taken into consideration what was offered to them by the Commons at the said Conference, it was moved, and the question put,

"That their lordships do adhere to their Resolution, not to admit the Commons to proceed to make good the Articles for high crimes and misdemeanors, till judgment be first given upon the Articles for high treason," which was carried in the affirmative. Then another motion was made, and the question put, "That the Lords do give to the Commons the Reasons for their lordships adhering to their former Resolution;" This was also carried in the affirmative, and a Committee of lords was appointed to draw up the said Reasons; notwithstanding the opposition made thereto by [illegible] lord Harcourt, and other peers; who

urged, "That such a condescension was derogatory to the prerogatives of the peerage."

The Lords' Reasons for insisting that the Commons shall not proceed on the other Articles till Judgment is given on those for Treason.] June 28. The Lords sent a Message to the Commons, desiring them to continue sitting for some time; with which the Commons having readily complied, another Message was, soon after, sent to them from the Lords, to desire a present Conference in the Painted Chamber, upon the subject matter of the last Conference. The Commons agreed also to this Conference, wherein the Lords delivered their Reasons for adhering to their Resolution, to the managers of the Commons; viz.

"Their Lordships, in order to preserve a good correspondence with the House of Commons, (which they shall always endeavour to do as far as lies in their power) have desired this Conference upon the subject matter of the last Conference, and have directed us to acquaint you, that their lordships judge it a right inherent in every court of justice, to order and direct such methods of proceeding, as such court shall think fit to be observed in all causes depending before them, which can have no influence to the prejudice of justice; and where such methods of proceeding are not otherwise settled by any positive rule. The power of judicature on all Impeachments, being a right unquestionably inherent in their lordships, and it not being determined by any positive rule, whether the House of Commons may proceed to make good the several Articles exhibited for misdemeanours, in such order as they shall think fit, before they proceed to make good the Articles exhibited for high treason; and there being no precedent where the Commons, upon the trial of any such impeachment, attempted to proceed in the first place, to make good any of the Articles contained in such impeachment for high crimes and misdemeanors; their lordships, considering the nature of the impeachment now depending before them, and the method wherein the managers for the House of Commons were beginning to proceed upon the trial, to make good the first Article thereof, which is a charge for high crimes and misdemeanours only; and also considering the very different methods of proceeding on an Impeachment of a peer for high treason, as well before as upon the trial thereof, and the circumstances attending such a trial, thought themselves obliged to come to their resolution communicated to the Commons on the 24th instant, as well for doing justice in the case depending before them, as for the preventing a new precedent to be made on this trial; in consequence whereof, a new and unjustifiable form of proceeding against a peer upon an impeachment for high treason and high crimes, might be introduced at his trial upon those Articles in which he is charged for high crimes and misdemeanours only; to the prejudice of the peerage of Great Britain in all times to come, viz. The trying a peer on Articles for high crimes and misdemeanours without the bar, the detaining in custody a peer so accused, and repeated commitments of him to the Tower, during the time of such trial, and subjecting a peer to an ignominious circumstances on his trial on articles for misdemeanours as if he was then on his trial on articles for high treason; whereas a peer on his trial, on articles for misdemesnours only, ought not to be deprived of his liberty, nor sequestered from parliament, and is intitled to the privilege of sitting within the bar during the whole time of his trial; to all which particulars the known rule of proceedings in such cases may be evaded, should a peer be brought to his trial on several articles exhibited against him for high crimes and misdemesnours and for high treason mixed together, and the Commons be admitted to proceed to make good the Articles for high crimes and misdemesnours, before judgment be given upon the articles for high treason. Their lordships have fully considered the matters offered to them by the House of Commons at the last conference relating to the proceedings against Robert earl of Oxford and earl Mortimer, and their lordships are fully satisfied, that the resolution they have taken and communicated to the Commons on the 24th instant, is just and reasonable: and that the House of Commons are not put under any real inconvenience thereby, in carrying on their present prosecution. Their lordships have commanded us to let you know, that they do insist on their said Resolution, viz. That the Commons ha not admitted to proceed in order to make good the Articles against Robert earl of Oxford and earl Mortimer, for high crimes and misdemeanours, till judgment be first given upon the Articles for high treason."

A Free Conference thereupon desired by the Commons, but refused by the Lords.] Mr. Carter having reported the above Reasons to the House of Commons, they resolved to take them immediately into consideration. Then a Message was sent from the Lords, to acquaint the Commons, That they had ordered the earl of Oxford to be brought to the bar of their House in Westminster-Hall, at eleven the next morning, in order to proceed farther on the Trial of the said earl. The Commons thereupon sent Mr. Yonge to the Lords to desire that their lordships would continue sitting for some time, which the Lords having readily agreed to, the Commons took their lordships' Reasons into consideration, and then resolved, "That a Free Conference be desired with the Lords upon the subject matter of the last Conference."

June 29. The Lords took the desire of the Commons, of a Free Conference, into consideration; and, after a long debate, it was resolved, "That as the subject matter of the last Conference, concerned a point of judicature determined by their lordships after the trial began, their lordships did not think fit to

give a free Conference on the subject matter of the said Conference, as was desired by the House of Commons."

The Lords would have sent that evening a Message to the Commons, to acquaint them with this Resolution; but the Commons having timely notice of it, immediately adjourned till the 1st of July. The Lords having on that day sent a message to the Commons, to acquaint them with the said Resolution, and withal, That their lordships had ordered Robert earl of Oxford and earl Mortimer, to be brought to the bar of their House to Westminster-hall that very Monday at eleven in the forenoon, in order to proceed farther on the Trial of the said earl; the Commons thereupon ordered the Serjeant at Arms to summon their members, which done, it was resolved, *nem con.* That a Conference be desired with the Lords upon the subject matter of their lordships' message, relating to the Free Conference desired by this House; and it was ordered that the Managers immediately to draw up Reasons to be offered to the Lords at the said Conference At the same time a Message was sent from the Commons to the Lords, by Mr. Gibbon, to desire their lordships to defer their going into Westminster-hall for some time; and Mr. Carter having, from the managers, reported the Reasons by them drawn up, the same were agreed to, and Mr. Craggs was sent to the Lords to desire the said Conference. Some time after Mr. Gibbon reported, That the Lords would defer going into Westminster-hall for a while, as was desired by the Commons; and Mr. Craggs reported also, That their lordships agreed to a Conference, and had appointed the same presently in the Painted Chamber.

The Commons' Reasons for desiring a Free Conference.] Hereupon the Managers of the Commons went to the said Conference, and being returned, Mr. Carter reported, that they had delivered the Reasons directed by the House to the Lords, as follows:

"The Commons having taken into consideration your lordships' Message, viz. That your lordships did not think fit to give a Free Conference on the subject matter of the last Conference, as was desired by the Commons; and they being still desirous, to the utmost of their power, to preserve a good correspondence with your lordships, have asked this Conference; and have commanded us to acquaint your lordships, that they are very much surprised to find your lordships deny a Free Conference, after your lordships have already agreed to a Conference desired by the Commons on the same subject matter; and after your lordships have on your parts also desired a Conference upon the same subject: That Free Conferences are the most antient and established methods, for adjusting the differences that have at any time arisen between the two Houses, and as the Commons conceive, is the only method to preserve a good correspondence between them on such occasions, which at this time, is of the highest importance, because a misunderstanding on this account would tend to defeat the Trial of the Impeachment of the Commons: That the Commons conceive clearly, that the subject matter of the last Conference is not a point of judicature, but a point relating only to the prosecution of the Commons, it having arisen before any matter of judgment had come before your lordships upon the Trial; for which Reasons the Commons conceive, that your lordships ought not to have denied them a Free Conference upon the subject matter of this last Conference."

Which the Lords insist upon refusing.] Then a Message was sent to the Commons from the Lords, That their lordships desired the Commons to continue sitting for some time; which being readily granted, another Message was sent soon after from the Lords, to desire a present Conference with the Commons in the Painted Chamber, upon the subject matter of the last Conference. Accordingly the Managers of the Commons came to the Lords committees, who informed them, "That the Lords did insist upon denying a Free Conference."

Debate thereon in the Commons.] July 1. Mr. Carter reported, That the Lords insisted upon denying a free Conference. This put the House into a flame; and it being thereupon ordered, That the said Report be now taken into consideration, several warm Speeches were made on that occasion, by Mr. Secretary Stanhope and Mr. Craggs, immediately after whom

Mr. *Tufnell* rose up, and spoke as follows: "Mr. Speaker; I cannot but think the proceeding of the Lords very extraordinary upon this occasion, that, after having received the Articles as delivered in by this House, they should now come to a resolution, 'That the 'Commons be not admitted to proceed upon 'the high crimes and misdemeanours, till judg-'ment be first given upon the Articles for high 'treason' And here, though unwillingly, I must observe, that the expression made use of in their lordships' Message to the Commons, to me seems very unsuitable to that candour which they have so remarkably shewn upon all occasions, and from whence this House might reasonably expect a more becoming treatment. There is another thing which I cannot but take notice of, which is, that after having had Conferences with the Commons on this subject, they should now refuse a Free Conference, which I should have thought, must have been the natural result of the former, as being the most probable way to accommodate matters in cases of difficulty. The reason they give for this their adhering to their Resolution is, That this is a point of judicature which solely belongs to their lordships; whereas the Commons say, It is only a matter of prosecution. And yet, if this objection were good, why was it not equally so against their agreeing to the first Conference?

"Notwithstanding these considerations, if I

could be of opinion with those gentlemen who think, either that the honour of this House is so much concerned, or that it is so essential to the rights of the Commons of Great Britain, I should be as unwilling as any one here, to contribute the least towards the betraying of them. But since I do not hear it is pretended that there are any precedents on either side; and I can, by no means, think it of that consequence which some gentlemen seem to imagine, especially if there be a 'saving to the 'rights and privileges of this House;' I should be inclined to be of opinion, that it would be better to acquiesce in the method proposed by the Lords, than to let a prosecution entirely drop, which has so universally raised the expectations of mankind. Then we should see, what that living and legal evidence is, which we have been so often promised from those, in whom the House reposed the greatest confidence; and if there should be any failure in the proof of the high treason, the blame might lie in its proper place.

"Sir, I am sorry to find there should be such remissness in a prosecution, which was formerly carried on with so much warmth and vigour. And I could wish to see that spirit of patriotism, which has hitherto animated this House; that just resentment for our injured country, once more revived. Where is now that public-spirited, disinterested zeal, which then warmed the patriot's breast? are all those glorious thoughts and heroic sentiments quite evaporated? how comes it that those who then felt, and made others to feel, such an intenseness of heat, such a lively emotion of spirit, are now so calm and undisturbed? that those who were then so full of heat and flame, are now so cold and lifeless? is the nature of things so far altered, that what was then the most flagrant high treason, is now nothing at all?

"Mr. Speaker; my concern is for the honour of this House, which has been so far engaged by assurances of Evidence to support the Charge. I must therefore take the liberty to call upon those gentlemen who gave them, to extricate us from our present difficulties: and, I am sure, we shall not want their assistance in an affair where their honour is so nearly concerned. I call upon them the rather, because it is a justice which they owe to themselves, it is a justice which they owe to this House of Commons, it is a justice which they owe their country, their poor, unhappy country, which they have so often described, as involved in the greatest difficulties, as labouring under the most ruinous circumstances, occasioned by the ill conduct, the pernicious counsels, and traitorous practices of the noble person now under your prosecution."

In the middle of this debate, another Message was brought from the Lords, to desire that the Commons would continue sitting some time, which the House agreed to. After this, Mr. Lechmere made a speech, wherein having lamented the unhappy dilemma, as he called it, to which they were brought, either to see so great an offender as the earl of Oxford escape unpunished, or to acquiesce in proceeding on his Trial in the manner prescribed by the Lords, he said, That he thought the latter the more eligible of the two, with a saving to the rights and privileges of the Commons; and therefore made a motion for it. He was seconded and backed by Mr Hampden: but the question being put thereupon, it was carried in the negative.

Motion for a Bill of Attainder against the Earl.] Then a Message was brought from the Lords, to acquaint the Commons, That their lordships intended presently to proceed farther on the Trial of the earl of Oxford in Westminster-hall, of which the Commons took no notice; but being sensible that the Lords would discharge the prisoner, sir William Strickland moved, That leave be given to bring in a Bill to inflict such Pains and Penalties upon Robert earl of Oxford and earl Mortimer, as his traitorous practices and other high crimes and misdemeanours do deserve, and as shall be thought reasonable. Hereupon Mr. Tuffnell rose up again, and said, That he could by no means come into that motion; for that how necessary and reasonable soever such a Bill might be at another juncture, he could not but think it unreasonable now; when, as yet, it was uncertain what the Lords would do. But that, however, he would freely declare his mind on this occasion, viz. That notwithstanding he was convinced, the earl of Oxford was guilty of the crimes wherewith he was charged, and that no man had ever contributed more to the ruin of his country than he had done: yet, since there was a legal prosecution begun; since that noble lord had submitted himself to public justice; and considering that it is the peculiar glory and happiness of a free-born people to be governed by known laws; he would never give his consent to a Bill, which, in his opinion, must make the lives, the fortunes, and liberties of the subjects of Great Britain, stand upon so unsettled and precarious a foundation.—Upon which the debate was adjourned to the 3rd of July.

The Lords proceed upon the Earl of Oxford's Trial, and the Commons not appearing, he is acquitted unanimously.] About seven in the evening, the Lords went down to Westminster-hall, where three several proclamations were made for the accusers of the earl of Oxford to appear, and make good the Articles of Impeachment against him. The Commons not appearing, their Lordships went back to their own House, where the Lord High Steward said,

"My lords; I shall now state the question, upon which your lordships are to give your votes; it is this, 'That Robert earl of Oxford 'and earl Mortimer be acquitted of the Arti-'cles of Impeachment, exhibited against him 'by the House of Commons, for High Treason,

'and other High Crimes and Misdemeanours, 'and of all things therein contained, and that 'the said Impeachment be dismissed.'" And then the Lord High Steward put the question to the lords present, beginning at the youngest baron, in manner following,

'My lord, your lordship has heard the Ques- 'tion stated, what says your lordship, is your 'lordship Content, or Not Content?'

The Lords present were all Content.

Then the Lord High-Steward said, "My Lords, upon the question stated, I am content My Lords, Robert earl of Oxford and earl Mortimer is Acquitted of High-Treason and other high crimes and misdemeanours where- with he stands charged, by the unanimous vote of your lordships here present."

And the Earl being called to the bar, the Lord High-Steward told him, "Robert earl of Oxford and earl Mortimer, I am to acquaint your lordship, that your lordship is acquitted of the Articles of Impeachment exhibited against you for High-Treason, and other high crimes and misdemeanours, by the House of Com- mons, and all things therein contained; and thereupon I am to pronounce this Judgment, which I pronounce accordingly." It is con- 'sidered, ordered, and adjudged by the Lords 'Spiritual and Temporal in Parliament assem- 'bled, that Robert earl of Oxford and earl 'Mortimer, shall be, and is hereby acquitted 'of the Articles of Impeachment exhibited 'against him by the House of Commons for 'High Treason and other High Crimes and 'Misdemeanours, and of all things therein con- 'tained, and that the said Impeachment shall 'be, and is hereby, dismissed.'

Then the Lord High Steward commanded the Lieutenant of the Tower of London to discharge his prisoner; and said, "My Lords, this is all that remains to be done by virtue o his majesty's commission, I do therefore declare the same to be dissolved." Upon which the Lord High-Steward broke his staff.*

The Motion for a Bill of Attainder against the Earl of Oxford renewed.] July 3. The Commons resumed the adjourned debate, upon the motion made two days before, by sir Wm Strickland, who again insisting on that motion, had the mortification of seeing, that not one member would second him: On the contrary Mr. Hungerford said upon that matter, That for his own part, he had ever been against violent proceedings; that, in his opinion, where the life, fortune, or reputation of any man is concerned, the parliament ought to go upon evidence as strong and as full as is required in Westminster-hall: and that he had observed, that all Bills of Attainder proceeded from party-piques Sir William Strickland being offended at this speech, made some severe re- flections upon it: and added, That for his own part he had no personal piqae against the earl of Oxford. but looked upon him as an enemy to his country; and since the Commons could not bring him to justice in the ordinary way, they ought, in his opinion, to have recourse to no extraordinary method, for which, however, they did not want precedents. Mr. Hunger- ford turned the reflections made upon him into raillery; and after some other speeches,

The Commons' Address to the King to accept the Earl of Oxford out of the Act of Grace.]

Lords present: and, as nearly as I could count, their number was 106, the duke of Marl- borough, my lord Cadogan, lord Conningby, and a few others of the most violent, having withdrawn themselves before the Lords came into Westminster-hall. The acclamations were as great as upon any occasion: and our friend, who seems more formed for adversity than prosperity, has, at present, many more friends than ever he had before in any part of his life. I believe he will not have the fewer, from a message he received this morning from the King, by my lord chamberlain, to forbid him the court. You know the prosecution was at first the resentment of a party; but it be- came at last a ridiculous business, weakly car- ried on by the impotent rage of a woman, (I mean of my lady Marlborough) who is almost distracted that she could not obtain her re- venge." Erasmus Lewis to Dr. Swift. Swift's Works, vol. 16, p. 169, edit. 1803.

"It is an anecdote, now generally believed, That though this dispute between the two Houses, (which Articles should be first pro- ceeded on) was the ostensible cause for dis- missing the Impeachment against lord Oxford; the real cause was, a letter or paper, signed by the duke of Marlborough just before queen Anne's death, which shewed his connection, at that time, with the abdicated family; and which letter lord Oxford had in his possession. In the notes to the article Churchill, in the new Biographia Britannica, vol 3, p. 562, this anecdote is very well authenticated from the late James Moss, esq." Hatsell's Precedents, vol. 4, p. 288, edit. 1796.

* "Thus ended this affair: and it is plain, the earl owed his discharge not only to the dis- putes between the two Houses, but also to the late changes in the ministry; without which the earl of Nottingham, the duke of Argyle, the earl of Ilay, the duke of Devonshire, and the lord Townshend, would certainly not have been in the number of his friends. However the Commons did not rest here. For though sir William Strickland's bill for inflicting pains and penalties on the earl was not seconded, yet, to shew their resentment at this proceed- ing, they resolved that the king should be ad- dressed, to except him out of the Act of Grace, which was intended to be brought into the House. The king had likewise, two days be- fore, upon information that the earl of Oxford designed to come to court, thought fit to forbid him." Tindal

"I have the pleasure to inform you, that lord Oxford's Impeachment was discharged last night, by the unanimous consent of all the

The lord Castlecomer moved, "That an humble Address be presented to his majesty, setting forth the many great crimes of which Robert earl of Oxford and earl Mortimer has been impeached by this House; as likewise, the endeavours that have been used by the Commons to bring the said earl to justice, in which proceedings, the unhappy differences that have arisen between the two Houses have disappointed their just expectations; and likewise, humbly to pray his majesty, that he will except the said earl out of the Act of Grace, which his majesty has been graciously pleased to promise from the throne; to the end the Commons may be at liberty to proceed against the said earl in a parliamentary way"—The lord Castlecomer being seconded by Mr. Yonge, and the question put upon his motion, it was carried in the affirmative, and a Committee appointed to draw up the said Address. Another Committee was the same day appointed to inspect the Lords' Journals, in relation to their proceedings on the Trial of the earl of Oxford, and to report what they find therein, to the House.

July 4. The lord Castlecomer, chairman of the committee, appointed to draw up the Address against the earl of Oxford, reported the same, which being agreed to, it was resolved that the said Address be presented by the whole House.

July 5. The Commons, with their Speaker, presented the said Address to his majesty, which is as follows:

"Most gracious Sovereign,

"We your majesty's most faithful subjects, the Commons of Great Britain in parliament assembled, do most humbly represent to your majesty, That in our Impeachment exhibited against Robert Earl of Oxford and Earl Mortimer, we did set forth, That he the said earl did traiterously adhere to, aid, and abet the late French king, then an enemy to her late majesty, and did begin and carry on a clandestine and separate correspondence and negotiation with the ministers of the said French king, in consequence of which it is evident, that great part of the Forces, maintained at the expence of so much British treasure, in order to reduce the power of France; as likewise great part of the Subsidies granted by parliament to foreign princes for the same end, were, in reality, made subservient and instrumental to awe the good allies of her majesty into a compliance with the hard terms dictated by France.

"The unhappy Catalans were abandoned, the emperor, empire, and king of Portugal, were left to treat for themselves; the kingdom of Sicily was given to the duke of Savoy, as an inducement and reward to him for quitting the common cause, in direct defiance and violation of the grand alliance, and of the declared sense of most of her good allies, and especially of the Dutch, who, to this day, have never assented to that condition of the Treaty of Utrecht. A shameful and dishonourable treaty of peace was at last concluded, by which impracticable terms of trade were imposed on Great Britain; the demolition of Dunkirk, which had been addressed for by parliament, was eluded by a treacherous connivance, at the making of a new canal at Mardyke; and the security which was proposed by removing the Pretender out of France, was, in the like manner, evaded by a treacherous connivance at his residing in Lorrain.

"It is owing to your majesty's unwearied endeavours for the good of your subjects, and that just regard which is paid to your majesty by foreign princes and states, that we see ourselves delivered, in a great degree, from the effects of those pernicious measures, which might otherwise have proved fatal to your kingdoms: but as we reflect with equal gratitude and admiration on your majesty's being able to retrieve such miscarriages, especially in a time which has been disturbed by public tumults and rebellions, we think it is a great aggravation of guilt in those who gave up so many national advantages, at a time when they laboured under no such difficulties at home, and when the continued successes of a long and glorious war had put them into a condition of gaining the most beneficial terms from the enemy.

"Your faithful Commons did likewise exhibit several other Charges against the said earl, representing him in many notorious instances, as a person who had abused the trust and confidence, which her late majesty had reposed in him, and sacrificed the honour of his sovereign and the good of her people, to private views of interest and ambition.

"Your faithful Commons have not been wanting in their endeavours to bring the said earl to justice; but by reason of the unhappy differences that have, in this proceeding, arisen between the two Houses, we have found ourselves disappointed of our just expectation, and reduced to the necessity either of giving up rights and privileges of the highest importance to all the Commons of Great Britain, or seeing this great offender escape with impunity for the present.

"For these reasons, we do most humbly beseech your majesty, that your majesty will be pleased to except Robert earl of Oxford and earl Mortimer out of the Act of Grace, which your majesty has been graciously pleased to promise from the throne; to the end the Commons may be at liberty to proceed against the said earl in a parliamentary way."

The King's Answer.] To this Address, his majesty was pleased to return the following Answer;

"Gentlemen,

"I will give directions in relation to the earl of Oxford, as you desire; and it is with pleasure I observe the sense, expressed in your Address, of my endeavours for the security, honour, and advantage of these kingdoms."

The King's Speech at the Close of the Session.] July 15. The King came to the House of Peers, and a Message was brought to

the Commons by the Usher of the Black Rod, commanding them to attend his majesty immediately, which they did accordingly, and Mr. Speaker presented the Money Bills to his majesty; which done, the Lord Chancellor read a Speech delivered into his hands by the King, from the throne, as follows:

"My Lords and Gentlemen;

"I cannot put an end to this session, without expressing my thanks to you, for the dispatch you have given to the public business, and declaring the satisfaction I promise myself in meeting you again early the next winter, with the same good dispositions for the service of your country. The measures we have taken in this parliament, have, by the blessing of Almighty God, effectually defeated all the attempts of our enemies, both at home and abroad; and, as the principle on which those measures are founded, are equally conducive to the supporting the just rights of the crown and the liberties of the people, I shall always persevere in them myself, and distinguish those who adhere to them with steadiness and resolution.

"Gentlemen of the House of Commons;

"I thank you, in the most affectionate manner, for the Supplies you have granted me, and for that constancy and zeal which you have shown in reducing our National Debts, notwithstanding the many incidents and obstructions you have met with in the carrying on of that great work. As you have furnished me with the means of disappointing any designs of a foreign enemy against these my kingdoms, so I cannot but ascribe, in a great measure, the happy prospect of our affairs abroad to that public spirit which has appeared in your proceedings, and has convinced the world, that no insinuations or artifices can divert you from your duty to your sovereign and a disinterested regard to your fellow-subjects.

"My Lords and Gentlemen;

"It is with great pleasure that I see the tranquility of the nation so well established, as to admit of an Act of Grace, which I have long desired a fit opportunity to grant. I hope that such as shall, by this means, be restored to the enjoyment of security, and the protection of those laws, against which they have offended, will have a due sense of this my indulgence, and give me the most acceptable return they can possibly make me, that of becoming friends, instead of enemies to their country."

Then the Lord Chancellor prorogued the parliament to the 12th of August. They were afterwards further prorogued, by several prorogations, to the 21st of November.

THIRD SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] Nov. 21. The parliament being met, the King came to the House of Lords and delivered the following Speech into the hands of the Lord Chancellor, who read the same to both Houses;

"My Lords and Gentlemen;

"I am very glad I have been able to bring the sitting of parliament into a more proper and usual season of the year: I hope such an early meeting will not only be a benefit to the public, but a convenience to your private affairs."

[a] About this time a serious difference took place between the king and the prince of Wales. "On the 3rd of November," says Tindal, "the princess of Wales was delivered of a prince, at St. James's, and the king two days after paid her a visit, and returned to Hampton-Court. The young prince was baptized the 28th of the same month, and died not long after. This baptism occasioned an unhappy difference between the king and the prince. It seems, the prince had designed the duke of York, bishop of Osnaburg, the king's brother, to be one of the godfathers, and had reason to believe the king was satisfied with his choice. But, when the ceremony came to be performed, the duke of Newcastle stood godfather with the king, not as a proxy for, or representing the duke of York, but for himself, and in his own name and person. This the prince took ill of the duke, not as he acted in obedience to his majesty's command, but as if the duke had done, or at least seemed officious to do, something which he was not commanded. This proceeding sensibly touched the prince, and raised his indignation to that degree, that he could not help showing it; but, as soon as the ceremony was over, spoke some warm words to the duke, expressing his resentment at what he had done. Upon report of these words to the king, his majesty thought fit to give a sudden mark of his displeasure, by sending his commands to the prince to keep his own apartment, till his pleasure was further known; to which he immediately submitted: soon after this his majesty's further pleasure was signified to the prince, that he should leave St. James's; accordingly he quitted the palace (the princess going along with him,) and retired to the house of the earl of Grantham, in Albemarle-street; but the children, by the king's order, remained at St. James's. Soon after this his majesty's pleasure was signified to all the peers and peeresses of Great Britain and Ireland, and to all privy-counsellors and their wives, that all persons, who should go to see the prince and princess of Wales, should forbear coming into his majesty's presence. Besides, such as had employments under the king and prince both, were obliged to quit the service of one of them. Soon after this difference, there was printed in the Amsterdam Gazette, a letter in French, said to be written by one of the secretaries of state to the foreign ministers, dated at Whitehall, December 24, 1717, giving an account of the whole affair, of which the author of the Critic,

"As I have always had at heart the security and ease of my people, so I never kept up any troops but for their protection, and have taken every opportunity to disband as many as I thought consistent with their safety. I have reduced the Army to very near one half, since the beginning of the last session of parliament, and lessened them to such a number as will neither be a burthen to my good subjects, nor an encouragement to our enemies to insult them.

"You cannot but be sensible of the many attempts which have been set on foot to disturb the peace of Europe, and of these kingdoms; they only pretend not to see, who are not afraid of them. But as no application has been wanting on my part to preserve the public tranquillity, I have the pleasure to find my good offices have not been altogether unsuccessful, and have reason to hope they will, in the end, have their full and desired effect.

"Gentlemen of the House of Commons;

"I question not but you are very well pleased to find that your endeavours for lessening the National Debts, have at the same time raised the public credit; and that whatever was proposed for that end is actually and completely effected. This success must chiefly be attributed to that just and prudent regard you have shewn to parliamentary engagements.

"It was with the view of procuring and settling a lasting tranquillity, that I demanded the extraordinary Supply which you granted me last session. The credit, which this confidence reposed in me, hath given us abroad, has already been so far effectual, that I can acquaint you we have a much better prospect than we had. I have ordered an Account to be laid before you of the very small part of that Supply which as yet has been expended; any further issues that may be made of it, shall be also laid before you: And you may be assured, that every part of it shall either be employed for your service, or saved to the public.

"I have ordered to be laid before you a state of the Deficiencies of the present year, and the several Estimates for the service of the next; which you will find considerably diminished. I rely upon your making the necessary provision for them; not doubting of the continuance of that zeal for the good of your country, which hath been so eminently conspicuous in every session of this parliament.

"I cannot in justice avoid putting you in mind, that several Arrears of Pay and Subsidy, incurred before my accession to the crown, are claimed by foreign princes and states. I shall order them to be laid before you, to the end you may put them in a method of being examined and stated; which will very much tend to the honour and credit of the nation.

"My Lords and Gentlemen;

"I could heartily wish, that at a time when the common enemies of our Religion are, by all manner of artifices, endeavouring to undermine and weaken it, both at home and abroad, all those who are friends to our present happy establishment, might unanimously concur in some proper method for the greater strengthening the Protestant Interest of which, as the Church of England is unquestionably the main support and bulwark, so will she reap the principal benefit of every advantage accruing by the union and mutual charity of all Protestants.

"As none can recommend themselves more effectually to my favour and countenance, than

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(a weekly paper) published a translation. The Letter was as followes:

"Sir; His majesty having been informed that several reports, for the most part ill grounded, are spread abroad concerning what has lately passed in the royal family, he has ordered me to send you the inclosed account of it.—As soon as the young prince was born, the king caused himself to be informed of what was wont to be observed in the like cases, in this kingdom, in regard to the ceremony of baptism; and having found by the records, that, when it was a boy, and the king was godfather, it was the custom for him to nominate for second godfather, one of the principal lords of his court, who for the most part was the lord chamberlain; he named for this function, the duke of Newcastle, who now bears that charge; naming at the same time for godmother the dutchess of St. Albau's, first lady of honour to the princess. Nevertheless, his royal highness the prince of Wales conceived such a dislike at this, that on Thursday last, after the solemnity of the baptism was over, finding himself no longer master of his temper, he drew near to the duke of Newcastle, and gave him very reproachful words, upon supposition that he had solicited that honour in spite of him. The king was still in the chamber, but not near enough to hear what the prince said to the duke. This last thinking himself obliged to inform the king of it, and the prince having confessed the matter to the dukes of Kingston, Kent, and Roxburgh (whom his majesty sent to him the next day upon this occasion) his majesty ordered him by a second message, not to go out of his own apartment till further order: on Saturday the prince wrote a letter to the king, and the next day, (Sunday) another: but, his majesty not finding them satisfactory, and having besides other reasons of discontent at several steps the prince had taken, he caused him to be told yesterday in the afternoon, by his vice-chamberlain, Mr. Cook, that he should be gone from the palace of St. James's; and to the princess, that she might continue in the palace as long as she thought convenient; but that as for the princesses, her daughters, and the young prince, she king would have them remain with him in the palace, and that the princess should be permitted to see them as often as she desired it. However, the princess, being unwilling to leave the prince, her husband, went with him to the house of the earl of Grantham her lord-chamberlain, where their royal highnesses lay last night."

by a sincere zeal for the just rights of the crown and the liberties of the people; so I am determined to encourage all those who act agreeably to the constitution of these my kingdoms, and consequently to the principles on which my government is founded.

"The eyes of all Europe are upon you at this critical juncture. It is your interest, for which reason I think it mine, that my endeavours for procuring the peace and quiet of Christendom, should take effect. Nothing can so much contribute to this desirable end, as the unanimity, dispatch, and vigour of your resolutions for the support of my government."

The Lords' Address of Thanks.] His majesty being retired, the Lords voted an Address of Thanks, and the next day waited on the King with the same as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, do return your majesty our humble Thanks for your most gracious Speech from the throne, and for your regard to the conveniency of your subjects, in meeting them so early in parliament; and beg leave to express to your majesty the just sense we have of your great concern for the ease of your people, in disbanding so considerable a number of your Forces, and of your care, at the same time, in consulting their safety. We return your majesty our most humble thanks for your unwearied endeavours and application towards preserving and settling the peace and tranquillity of Europe, and of these your kingdoms, against the many attempts of all kinds to disturb them; and cannot sufficiently express our satisfaction, that there is a prospect of success, and do assure your majesty, that, as you have been pleased, in so gracious a manner, to declare your interests and those of your people inseparable; so nothing shall be wanting on our parts, at this critical juncture, towards supporting your majesty with the utmost zeal and vigour, till your majesty's endeavours for the quiet of Christendom and the good of your people have had their full and desired effect.

"We have a grateful sense of your majesty's concern for the Protestant Religion, and the Church of England as by law established, which, as it has always been the chief of the Protestant churches, so it can never be so well supported as by strengthening and uniting (as far as may be) the Protestant Interest."

The King's Answer.] To which Address his majesty returned this Answer:

"My Lords;

"I thank you for this dutiful and loyal Address the zeal you express, for the support of my government, cannot but have the best effect upon our affairs both at home and abroad."

The Commons' Address of Thanks.] Nov 23 The Commons agreed upon the following Address, and presented it this day to his majesty:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, crave leave to express our gratitude to your majesty, for your most gracious Speech from the throne.

"Our minds are filled with the most lively sense of your majesty's regard to your people in bringing the sitting of parliament into a more proper and usual season of the year. And as your majesty has been graciously pleased to consider the convenience of our private affairs, in this early meeting, we shall endeavour to answer your majesty's gracious intentions, by improving it, as much as we are able, to the benefit of the public.

"We are highly sensible of the concern your majesty has shewn for the welfare of your people, by the reductions you have been pleased to make from time to time, of the Land Forces, so soon as the posture of affairs rendered it safe to these your kingdoms. It is our peculiar happiness to see ourselves governed by a sovereign, who is not influenced by any notions of greatness that are inconsistent with the prosperity of his subjects; and who proposes to himself the ease of his people, as the chief glory of his reign.

"We acknowledge, with hearts full of duty and gratitude, your majesty's unwearied endeavours to prevent the many attempts which have been set on foot to disturb the peace of Europe, and the quiet of these kingdoms; and have the more reason to apprehend the ill consequences of such attempts, since there are those who, as they would be thought to see no danger in them, give us reason to believe that they would not be troubled at their success. We are therefore firmly resolved, in the most effectual manner, to support your majesty in such measures as your majesty, in your great wisdom, shall judge necessary to procure the establishment of the tranquillity of Europe.

"We receive, with the greatest satisfaction, your majesty's gracious expressions and assurances touching the extraordinary Supply granted last year; and will cheerfully grant your majesty such Supplies as shall effectually provide for the public service.

"It is with unspeakable sorrow of heart, that we observe the many artifices which are made use of by the common enemies of our religion, to undermine and weaken it, both at home and abroad; and as we have the most grateful sense of the tender concern which your majesty has been pleased to express for the Protestant Religion, and especially for the main support of it, the Church of England as by law established; so we are resolved, on our part, to consider of the most effectual methods for strengthening the Protestant interest of these kingdoms.

"It is a pleasure to us, that the eyes of all Europe are turned upon us at this critical juncture, since we have thereby an opportunity of shewing the world the just confidence we repose in your majesty, and our unshaken resolu-

tions to support your government in such manner, as shall enable your majesty to settle the peace of Christendom."

The King's Answer.] To which the King returned the following Answer.

"Gentlemen,

"I thank you for the repeated assurances you have given me, in this dutiful and loyal Address, of your affectionate support and assistance in the present juncture of affairs. I expected no less from a House of Commons, so affectionate to my person, and so zealous for the public welfare."

Great Debate in the Commons concerning the Number of the Land Forces.] December 4. A motion was made for a Supply for maintaining the Guards and Garrisons in Great Britain, for the year 1718, according to the Estimate laid before the House. This motion was opposed by Mr. Shippen, sir William Wyndham and

Mr *Robert Walpole*, which last made a speech, wherein, besides the common topic of the danger of a Standing Army in a free nation, he insisted on four principal points, viz. 1. That whereas they were given to understand, that the Army was reduced to 16,000 and odd men, it still consisted of above 18,000, which was one third part more than the number of Land Forces in Great Britain amounted to formerly in time of peace. 2. That there was no due proportion observed, either between the number of horse, dragoons, and foot, or between the number of the officers and soldiers that were kept standing; insomuch, that of about 11,000*l.* which the pay of a reduced regiment of foot amounts to, near 7,000*l.* goes towards the pay of the officers, and 4000*l.* only to the private soldiers. 3. That the keeping up so great a number of officers, was, in effect, the maintaining of an army almost double of what was intended, since the soldiers that were wanting to complete the companies and regiments, might be raised with a drum in twice four and twenty hours. 4. That the pay of general officers, which amounted to above 20,000*l.* was an expence altogether needless, and unprecedented in time of peace. All these particulars Mr. Walpole enlarged upon, and made good his assertions by proper vouchers.

Mr *Craggs*, secretary at war, answered Mr Walpole. He said, That in all wise governments, the security of the state is the rule chiefly to be regarded; and that his majesty, both in the augmentation and the reduction of his forces, had not only consulted the safety, but likewise the ease of his people. That though, as was suggested, the nation paid at present near 18,000 men, yet there were only 16,347 who could give any jealousy, unless some people should think our liberties in danger, from the chaplains, surgeons, widows of officers, and such harmless, inoffensive persons, who were included in the first number. That therefore there are not much above 4,000 men more now in Great Britain than there were kept up after the Peace of Ryswick, which number must be thought very moderate by all who wish well to the present happy Settlement, considering that the embers of an unnatural Rebellion, lately extinguished, were still warm, and the discontents industriously fomented by the enemies of the government; That the parliament had ever contented themselves with fixing the number of the Forces that were thought necessary to be maintained, but had left to the crown the manner of reducing and modelling that number; and therefore, if they should now do otherwise, it would be but an indifferent return to that gracious and tender regard which, on all occasions, his majesty has shewn to the security and ease of his subjects. That after all, it is no less a piece of justice than matter of prudence, to keep up as great a number of officers as possible; for, besides the occasion which this nation may have for them for the future, it is but reasonable to acknowledge the past eminent services of gentlemen, who having been brought up to no other trade but war, had no other way to subsist and provide for themselves and families.

Mr. *Craggs* was backed by Mr. Aislabie, Mr. Hampden, Mr. John Smith, Mr. Coventry, member for Bridport, col Bladen, Mr. Barrington Shute, and sir Joseph Jekyll, who chiefly insisted on the necessity of keeping up 16,000 men at least, one year longer.

Sir *David Dalrymple* was of the same opinion, and to that purpose urged, That the discontents run still as high in Scotland as before the late Rebellion; for which he alledged several reasons.

Mr Walpole, Mr. Bromley, Mr Freeman, general Erle, and some other gentlemen, were of opinion, That 12,000 men were sufficient; and the debate having lasted till a quarter past six, the question was going to be put whether the number should 16 or 12,000? When,

Mr. *Shippen* made the following speech.

"Mr Speaker; I congratulate the honourable person below (general Lumley) on his being restored to the good opinion of the learned gentleman who spoke last: (sir Joseph Jekyll) for it is not long since he (see p 467) complimented, I will not say flattered, another at the expence of that honourable person, and most of the general officers in this kingdom.

"But as to the question before us, it is my misfortune to differ from that learned gentleman in all he hath advanced, which, when stripped of some excursions, may be reduced to these two propositions. '1. That the only 'danger of continuing the Army is the Expence 'of it. 2. That we ought to comply with the 'number of Forces proposed, because it is de-'manded by the king, who is the best judge of 'our necessities.'

"I do not object to the first reason, that the phrase is ambiguous, and that it is difficult to know what he means by the Danger of the Expence; but, if I understand him, the answer is obvious. For though the Expence is doubtless a matter highly deserving the consideration

of this House, whose business and duty it is to dispose of the public money with the utmost frugality; yet it is by no means the chief, or only argument against keeping up an Army in time of peace. The chief argument, with great submission, is, That the civil and military power cannot long subsist together; that a Standing Army in time of peace will necessarily impede the free execution of the laws of the land. And it is therefore very extraordinary that the expence should be thought the only danger, to use his own terms, of a Standing Army, by a person whose profession and present station oblige him to make those laws his first care; and that it should be urged as such in this place, where so many millions have been cheerfully granted for the defence of them.

"The second reason is no more conclusive than the first, as I hope to make appear in the sequel of what I have to offer.

"Gentlemen have insisted much on the great grace and favour shewn in reducing the Army since the beginning of the last session; and I presume not to say, that we were deceived into the Vote then given for maintaining 32,000 men, because we always proceed with the utmost caution and circumspection, and because the deep designs of the Swedish Plot, which occasioned such terrible apprehensions amongst us have since been fully discovered to the world.

"But however wisely it was then done, I hope never again to see, either the same number, or near the same corps, after some artful reductions, continued in this nation in time of peace, on any pretence, on any apprehensions whatsoever.

"I will not trouble you, Sir, with my remarks on the fallacy of those reductions. They have been sufficiently exposed by a gentleman (Mr. R. Walpole) who is better informed of the secret of that affair, and who, I am glad to find, when his is contending for the service of his country, is no more afraid than myself, of being called a Jacobite, by those, who want other arguments to support their debates.

"Our present consideration is, whether there are any reasons to induce us, as our circumstances now stand, to keep up above 16,000 men, with officers for almost double that number: and whether, if we should consent to keep them up, we should act, as his majesty desires we should, agreeably to the constitution of these kingdoms, and consequently to the principles on which his government is founded.

"Now in virtue of that freedom of speech we are all intitled to, I beg leave to declare my opinion, That this keeping up the number proposed, is so far from being necessary to our protection, that it will be inconsistent with our safety, and an excessive burthen to his majesty's good subjects. Nor do I think it possible any arguments can be invented, none I am sure have been yet offered, to incline a House of Commons at this time, when we are in a profound tranquillity, some domestic feuds excepted, to submit to that, which every member, every lover of liberty must own, abstractedly considered, to be a grievance, and such a one as ought never to be submitted to, but in that most desperate and deplorable circumstance, where it is to be chosen as the less evil.

"I know these assertions interfere with what is laid down in the second paragraph of his majesty's Speech. But we are to consider that Speech as the composition and advice of his ministry, and are therefore at liberty to debate every proposition in it; *especially those which seem rather calculated for the meridian of Germany, than of Great Britain.*

"*It is the only infelicity of his majesty's reign, That he is unacquainted with our language and constitution;* and it is therefore the more incumbent on his British ministers to inform him, That our government does not stand on the same foundation with his German dominions, which, by reason of their situation, and the nature of their constitution, are obliged to keep up armies in time of peace. Nor is it in the least to be wondered at, that his majesty, who hath spent the earlier part of his life in those dominions, should think sixteen, or even 32,000 men, might be continued in so rich and powerful a nation as this is, without being a burthen to it. But when he shall come to understand, that the smaller number, in time of peace, would be destructive to that security and ease of his people, for which he expresses so tender a regard, he will doubtless be convinced, that those act most conformably to their duty and his interest, who, as true subjects of Great Britain, are against continuing more troops, than have been usually thought and found sufficient, in the same situation of affairs, for the support of the crown and the safety of the kingdom.

"I am therefore at a loss to conceive how gentlemen can persuade themselves, that the complying with this extraordinary demand, would promote his majesty's service. For it supposes not only a distrust, but a weakness in the government: as if neither the affections of the people at home, nor the Treaties of our allies abroad, were to be depended on: which is a thought so injurious, so contradictory to some solemn assurances from the throne, that no one will presume to advance it openly in the House or elsewhere; and yet it is all, in my humble apprehension, included in this motion. Nothing, indeed, can alienate the hearts of the people from his majesty; but such attempts have formerly proved fatal to princes of less consummate wisdom and virtue. Nor are we to imagine, that the same grievance is not equally mischievous in the reign of a good prince as of a bad one. It is sometimes more so, because less expected, and less guarded against.

"Surely his majesty will have no just cause to doubt the continuance of that zeal for the good of our country, which, he is pleased to say hath been so eminently conspicuous in every session of this parliament, if we make the case of other nations a document to ourselves on this occasion; if we think, that the keeping up

a larger number of Forces, than is absolutely necessary, too dangerous an experiment to be often repeated.

"Let gentlemen look round Europe, and they will find, That some of the freest and bravest people in it, have by this very method lost their liberties. They will find, that the civil power was from time to time drawn in by pretended exigencies, to allow and maintain an armed force in peace; which, as they at first thought, and were instructed to believe, was intended to add strength to their authority, to secure them in the possession of their religious and political rights; to watch the ambitious designs of their neighbour nations; and to preserve the balance of power. Glorious intentions, if they had proved real! But though they used all possible precautions; though they made it the condition of their establishment, that the forces should be disbanded, when the extraordinary occasion for which they were raised ceased; yet they perceived too late that their condition was not binding; that they had erected a power superior to themselves; that the soldiery, when they had tasted the sweets of authority, would not part with it, and, that even their princes, after these temporary concessions made to them, began to think, that ruling by an army was a more easy, a more compendious way of government, than acting under the restraints and limitations of the laws of their country. And now they wear the chains, which they put round their own necks, and lament the loss of that freedom, which they unhappily consented to destroy, and which could never have been destroyed without their consent.

"But there is no need of fetching arguments on this subject from foreign nations. Our own is too well acquainted with the effects of continuing an armed force in peace, not to apprehend every thing from it, be the pretence never so specious.

"It would be misspending your time, to recount the mischiefs which have from hence happened to this nation: and I will not run back to former reigns. But I cannot forbear observing what [Mr. Snell] my very good friend near me hath already hinted, that it was the great grievance complained of in the Bill of Rights,* and was that from which the Revolution was to deliver us. King William himself, after the Peace of Ryswick, could not obtain above 10 000 men, though he had then a more enterprizing and a more powerful prince to deal with, than any now in this part of the world. And the proceeding of that House of Commons must be ever justified by those, who have the least concern for our constitution, notwithstanding some ungrounded insinuations, that it involved us in a long and expensive war. Besides, it is every year declared in the Act of Mutiny and Desertion, That the keeping up a standing Army in time of peace is against law; and as the freeing us from it was one of the ends of the Revolution, so no doubt the preserving us for ever from an attempt of the like nature, was one of those innumerable glorious advantages proposed by this Act of Succession.

"But it hath been urged, That the consent of parliament reconciles all; and that forces, so continued, are not to be accounted a standing army, because they are intended to keep out a standing army; which with the noble lord's leave, [lord Molesworth] who makes the distinction, is a notion too fine, too chimerical to be maintained.

"I know indeed it is explained both in the Bill of Rights, and in the Act of Mutiny and Desertion, that the keeping up a standing army in time of peace is illegal only if done without consent of parliament: now, this in no sort weakens the argument, as to the inconvenience and oppression of which I am speaking. For though the parliament, in these declaratory laws, seems to put in its claim only against the encroachments of the crown, from whence it supposed such oppressions were more likely to come, than from the representatives of the people; yet the consent of parliament cannot alter the nature of things, cannot hinder the same causes from producing the same effects. An army, though kept up by the consent of parliament, will, like other armies, soon know its own strength, will no probability pursue the dictates of self preservation, and rather choose to dissolve that authority with which it is incompatible, than tamely submit to its own dissolution. An army, though kept up by consent of parliament, if it hath no enemies abroad, will be apt to make depredations at home; and I wish there hath not been something of that kind done this last year: I wish we have no complaints from some of our own most considerable parliamentary corporations, of soldiers demanding free quarter, and insulting the chief magistrates for exerting the power we have lodged with them, and endeavouring to redress the grievances of the poor inn-keepers and inhabitants. Nay, the consent of parliament is so far from altering the nature and genius of armies, that a parliament army, consisting of about the number now demanded, once committed greater outrages, and gave a deeper wound to the constitution, than all the armies of the crown have ever done; and that army was the creature of a parliament which had established itself. But if we were to admit for argument's sake, that the consent of parliament could make armies more tame and ductile than they would otherwise be, I think, however, it would not be advisable for a parliament, that intends to act rationally and agreeably either to the principles, on which his majesty's government, or its own power is founded, to familiarize a military force to this free nation. For the very name and terror of it would, without oppression, awe and subdue the spirits of the people, extinguish their love of liberty, and beget a mean and abject acquiescence in slavery.

"Sir, we have already suspended some laws and repealed others, to comply with the necessities of the administration: but pray let us

* See vol. 5. p. 464.

not go farther, let us not go on to continue the army, or the greatest part of it; for so long as it is continued, so long is the whole constitution suspended, or, at least in the mercy of those whom we arm against it."

MR SHIPPEN COMMITTED TO THE TOWER *for reflecting upon the King's Person and Government.*] The Expressions in the above Speech, which are distinguished by being printed in Italic characters, gave offence to several members, and in particular to Mr. Lechmere, who having taken them down in writing, urged, "That those Words were a scandalous Invective against the King's Person and Government, of which the House ought to shew the highest resentment, and therefore moved, That the member who spoke those offensive Words should be sent to the Tower." Mr Lechmere was seconded by Mr Spencer Cowper, and backed by sir Joseph Jekyll, and some others. Upon which Mr Robert Walpole said, "That if the Words in question were spoken by the member, on whom they were charged, the Tower was too light a punishment for his rashness, but as what he had said in the heat of this debate might have been misunderstood, he was for allowing him the liberty of explaining himself." Mr Snell, Mr Hutcheson, and some others, spoke also in behalf of Mr. Shippen, intending chiefly to give him an opportunity of retracting or excusing what he had said, which Mr. Shippen not thinking proper to do, a great dispute arose, upon the question, Whether the Words taken down in writing were the same as had been spoken? A member having suggested, That there was no precedent of a Censure passed on a member of the House, for Words spoken in a Committee, sir Charles Botham produced instances of the contrary; and, on the other hand, Mr. Shippen having maintained what he had advanced, it was, at last, resolved, by 196 voices against 100, "That the Words taken down in writing were spoken by Mr. Shippen." It was then about nine in the evening, and it being moved and carried, "That the Chairman do leave the chair," Mr. Speaker resumed his place, and Mr. Farrer reported from the said Committee,

"That Exceptions having been taken to "some Words spoken in the Committee, by "William Shippen, esq a Member of the "House, the Committee had directed him to "report the Words to the House."

Ordered, That the Report be now read.

Mr. Farrer reported the Words accordingly, and they are as follow viz. That William Shippen, esq speaking of the King's Speech, said these Words,

"That the second paragraph of the King's "Speech seemed rather to be calculated for "the Meridian of Germany than Great "Britain"

"That the King is a stranger to our language "and constitution."

Then Mr. Shippen was heard in his place, and withdrew. After which a motion being made, and the question put, "That the Words spoken by William Shippen, esq a member of this House, are highly dishonourable to, and unjustly reflecting on, his Majesty's Person and Government," the House divided: Ayes 176; Noes 81. So it was resolved in the Affirmative, and thereupon it was ordered, "That William Shippen, esq. be for his said offence, committed prisoner to his majesty's Tower of London, and that Mr Speaker do issue his warrants accordingly."*

Further Debate in the Commons concerning the Number of the Land Forces.] December 5. The Commons went again into a grand Committee, to consider farther of the Supply, and a Debate arising, concerning the number of men for Guards and Garrisons in Great Britain, and Jersey and Guernsey only, without including the forces abroad, viz the Plantations in America, the Garrisons in Minorca, Gibraltar, Placentia and Annapolis, and of the islands Bahama and Providence,

Mr. *Jefferies*, member for Droitwich, made the following speech.

"Mr Speaker, I shall not waste the time of the Committee in making an apology for meddling in this question; since I apprehend whatever I can yet call my own to be at stake in the event of it. Whether the Army shall be disbanded or continued in time of peace? Whether we shall be governed by the magistrate, or the soldier? Or, whether we shall be bond or free? are, in my opinion, questions of the same import. I thank myself justified in saying this, from the examples of most countries in Europe. They were once free; but if it be inquired, how, from the state of freedom, they sunk into slavery, it will appear, that their common ruin has proceeded from the continuance of regular Troops in pay, after the occasion for which they were raised was over.

"That this island has retained its freedom longer than the countries on the continent, has been imputed to its situation, which not being so much exposed to the incursions of its neighbours, there was not the like pretence for keeping up regular troops. But the preservation of our liberties to this time, is, in my opinion, rather to be ascribed to the due sense our forefathers had of the danger the public underwent from intrusting princes with a Standing Force in time of peace; and also to the measure observed by the House of Commons, in giving such Supplies only, as enabled the prince to live in the full enjoyment of his prerogative, without putting it into his power to affect the liberties of the subject.

* For a short Account of Mr Shippen see p 512 of the present Volume. He did not petition the House to be discharged but remained in the Tower till the 21st of March in the following year, on which day the parliament was prorogued. He attended the House on the first day of the following session, and took a part in the debate upon the King's Speech.

"From the first credible account of things in this kingdom, down to king Charles 2nd's time, I can find no instance, where the crown kept up regular troops in time of peace, that of Richard 2 excepted. He lived in a tempestuous age; he had wars abroad, and commotions at home. The first Rebellion, headed by Wat Tyler, was composed without shedding the blood of any one of the rebels, save Tyler himself, the king gave them good words; they laid down their arms, went home, and were all pardoned. Another rebellion of the men of Kent and Essex broke out, which occasioned the king's raising an army of forty thousand men. The rebels applied by petition to have their liberties and franchises allowed them. But the king spoke to these in a different style; and told them, slaves they were, and slaves they should be. Five hundred of them were cut to pieces in the field, and fifteen hundred of them were afterwards executed in cold blood. This severity awed the nation for a while. But, the discontent of the people afterwards increasing, about the 20th year of his reign, a Parliament was called, and to use the historian's words, lest I should offend any tender ear, 'all endeavours were used to procure such a parliament, 'as would concur with the king's designs.' Before they met, forces were raised 'to attend 'and guard the parliament; which might at the 'same time be an awe upon any refractory 'members*.' Touching the numbers of which this army consisted, history is silent: this only we are given to know, that four thousand of them were archers, and that many of them were Cheshire men. It is not to the present purpose to go over the extravagancies of that parliament.

"Into what a state things were brought by that king's conduct, appears from an observation made by the same historian, who says, 'That the King having thus established his 'power, and put himself beyond all opposition, 'thought himself secure, and an absolute prince. 'But it being laid upon such a foundation, as 'begat many discontents among the people, all 'the fabric proved weak, and was soon fol-'lowed with lamentable ruin.' When that king's affairs grew desperate, an oath was required from the duke of Lancaster, (afterwards Henry 4) that he should cause the king to send home the Cheshire guard, which was accordingly done.

"I observe in the debate, it has been taken for granted, That the crown of England has a right to a number of regular troops, under the denomination of guards. This is a notion I can by no means give into. It was not so *ab Antiquo*.

"The first guards we hear of, the Yeomen of the Guard, which were constituted by Henry 7, being of another kind, were in Charles 2nd's time. That prince immediately after his Restoration, got together a small number of Guards, which at first seemed to be meant only to add to the equipage and splendour of the court. But it soon appeared, that he had other views: the guards, by adding men to troops and companies, and troops and companies to regiments, were insensibly increased; so that in the year 1677, they were got up to 5890 men. Few sessions passed, but they were taken notice of in the House of Commons, and though money was not asked of parliament for their support, yet they occasioned a general uneasiness.

"About that time there was a prospect of war with France, on which pretence an army was raised. But the war not proceeding, an Act passed, which gave the king 619,388*l* for disbanding the army. When the parliament met again, they were told from the throne, 'That the Forces were still kept on foot for the 'preservation of our neighbours, who otherwise 'had absolutely despaired, and for preserving 'what was left in Flanders; and that the king 'was confident no body would repine at the 'employing that Money, which was raised for 'the disbanding of the army, for the continu-'ance of it.

"This did not satisfy the House, and they came to a Resolution, 'That it was necessary, 'for the safety of his majesty's person, and 'preserving the peace of the government, that 'all Forces, raised since the 29th of September '1677, should be disbanded*.' Whereupon that parliament, which went under the name of the Pensioner-Parliament, was dissolved

* "Richard had taken all necessary measures to have a parliament at his devotion. Some time since, he had changed all the sheriffs of the kingdom, and suffered none, but what had promised to be subservient to his designs. He had taken the same precautions, with respect to all officers that had credit and power in the boroughs and counties. So by means of the magistrates, and persons in public posts, he had caused such representatives to be chosen as he had secured beforehand. If any were elected not agreeable to him, the sheriffs were ordered not to return them, but to cause others to be chosen in their room. Besides, as the House of Commons were the sole judges in the affair of elections, he was well assured that such a parliament would confirm or reject whom he pleased. It must not be thought very difficult for a king of England to execute such a project. Experience has since confirmed, on numberless occasions, that by the like ways, it is very possible, to cause representatives to be chosen devoted to the court. However, historians remark, that it was in this parliament, that such practices were first used. But it must likewise be added, that it was one of the principal causes of Richard's destruction, as will be seen hereafter. And indeed it is impossible that a nation can see their liberties in the hands of men, whom they have not themselves freely chosen, without desiring to be delivered from such an oppression."—Rapin, vol. 4, p. 59, 8vo, Edit. 1757.

* See vol 4, p. 1049.

"The new Parliament which met on the 6th of March following, had the same apprehensions of regular Troops. Money was given to disband them, and the Act directed, that it should be paid into the Chamber of London; and commissioners of their own were appointed to see it applied to that use. Whatever diffidence of the king this might imply, I do not find that any member lost his liberty for freedom of speech on that occasion. The opinion that parliament had of a standing army, appears in the Resolution they came to, 'That 'the continuance of standing forces in this nation, other than the Militia, was illegal, and 'a great grievance and vexation to the people.'

"I shall now take leave to consider the arguments advanced for continuing 16,347 men for the ensuing year. It is said, That there is a disaffected party in the kingdom, which makes an army necessary. If this argument will prevail, it is strange it has not prevailed for 600 years past, since no period within that time can be assigned, wherein this argument was not as strong as in the present. During the long controversy between the Houses of York and Lancaster, touching the Right of Succession, in which each side had its turn of being uppermost, one would think it should have been natural for the prevailing party, in order to their security, to have insisted on the continuance of their regular troops, at least for some time. There was a Pretender to the crown, who had a strong party in the nation, and the government was insecure till the spirit of Rebellion was suppressed. It might then with an appearance of reason have been insisted on, That the taxes on the disaffected should be increased, that those, who occasioned the expence, should bear the burden till the danger was over. Why this sort of reasoning did not then prevail is obvious. They saw it was unsafe to trust any prince, even one of their own setting up, with such a power, which, if ill applied, might enslave them.

"Another period of time I shall take notice of is, that of queen Elizabeth's reign. The disaffection to her in the beginning of it was great, occasioned by the Reformation in Religion, and the application of Ecclesiastical Revenues to secular uses. Many plots there were against her life. Spain, one of the greatest powers in Europe at that time, attempted an invasion, and a more proper juncture could not have happened, wherein to have asked for an army. But instead of that, the greatest part of the forces then got together to oppose the invasion consisted of militia, and as soon as the Armada was scattered, the army was disbanded. That queen being sensible, that the true, the only support of the crown, was the goodwill and affections of the people.

"Another argument brought for the continuance of the army is, 'That the denying it 'does insinuate a distrust of his majesty.' How disingenuous and unparliamentary a way of arguing this is, let gentlemen judge: for to draw that sacred name into a debate, must put every body to pain, who takes the other side of the question, in regard it may be construed, that the stronger the argument is, the greater is the distrust. But this reasoning, in my opinion, turns quite another way, and instead of implying a distrust, argues the greatest regard to the safety of his majesty's person and government. Who can answer for the caprice of an Army, when once established? Although no man living has a greater esteem than myself for those honourable gentlemen, who have with so much bravery served their country in a military way, nor shall any man go farther in rewarding their services, yet the common experience of mankind demonstrates, That it is not reasonable to expect an army should be always in the same humour. Augustus Cæsar lived in great peace and security with the Prætorian bands, which had put an end to the Roman liberties: but the case was different with his successors; for of 26 emperors, no less than 16 were pulled to pieces by their own soldiers. Did not the army here in England, in the times of usurpation, if I may be allowed to name them, in a short space change the government into ten several forms? What treatment did the parliament, who had raised and supported them, meet with from them? They beset the House, repulsed many members who would have come in, others they dragged out even by the legs, and at length they were all turned out, and the doors shut up. I say this with the more assurance, having had the account from an honourable person, lately dead, who was an eyewitness of it. This army, it is true, which consisted of about 17,000 men, afterwards brought in king Charles the second. But that prince soon disbanded them, being well aware that the same army which brought him in, should their minds change, might again turn him out.

"This objection, drawn from a distrust of his majesty, deserves another name. It is an honest, it is a reasonable jealousy of the growing power of the crown, which those that went before us always avowed. May it not with parity of reason be said, that because I will not consent, that the king shall by his proclamation raise money without parliament, that this is a distrust of his majesty? Because I will not consent to give up Magna Charta, and accept of a new patent at pleasure, may not this likewise be called a distrust of his majesty? But suppose from an opinion of the virtue of the troops, from an opinion, that men in power will not make an ill use of it; that those who may be masters, will chuse to continue servants; that men under the same circumstances will not do the same things; and that we should consent for ourselves, to deposit our liberties in their hands for a while; will any one say that we have an authority also to consent on the behalf of those we represent? A sum of money, a jewel, or other valuable thing is committed to my care; I without the owner's consent leave it in the possession of another, although the person with whom I left it, does

not actually embezzle the money, or detain the jewel, yet do I break my trust by putting it into his power so to do.

"It is self evident that, by keeping up such a number of forces, who may, when they are disposed, controul the power of the civil magistrate, the strength and security of our constitution is at an end, and that we have no other rule of government left, than will and pleasure. The notion I have of slavery is, the being subjected to the will of another; and notwithstanding the rod be not always on my back, or the dragoon in my house; yet, if it is not in my power to prevent its being so, I am no longer free. After Augustus had established his 8,000 regular troops, the Roman constitution was as much at an end, as it was in Nero's time. Although the tyranny was not, by Augustus, exercised with the like severity it was by his successors; yet, from the time his power became irresistible, the Romans were slaves.

"Another argument used for this number of troops is, that there are no thoughts of establishing them; but only continuing them for a year. If the notion be true, which no gentleman in the debate has denied, that the number of disciplined men now contended for, are sufficient to dictate to the greatest number of undisciplined; I desire to know who shall dare to bid them go home? It is said, indeed, the parliament will not provide for them: Why may not they then, as others in their circumstances have done, provide for themselves? Is it reasonable to think, that men will starve with swords in their hands?

"I am sensible, that I have too much trespassed on gentlemen's patience. I shall say no more; but that bodies political as well as natural, have their periods: governments must die as well as men; ours is grown old and crazy; and though she hath survived her neighbour, yet I fear her day approaches."

Dec. 6. In a Committee of the whole House, on the Supply, the Commons came to several Resolutions, which, together with those of the day before, were reported on the 7th as follows:

"1. That the number of effective men to be provided for, for guards and garrisons in Great Britain, and for Jersey and Guernsey, for the year 1718, be 16,347, commissioned and non-commissioned officers included. 2. That a sum not exceeding 651,618*l.* be granted to his majesty, for defraying the charge of the said 16,347 effective men for guards and garrisons, and other his majesty's land forces in Great Britain, Jersey and Guernsey, for the year 1718. 3. That the sum of 35,766*l.* 5*s.* be granted to his majesty, for maintaining his majesty's forces and garrisons in the plantations in America, for the year 1718. 4 That the sum of 57,613*l.* 14*s.* 7*d.* be granted to his majesty, for maintaining the forces and garrisons in Minorca, for the year 1718. 5 That the sum of 39,382*l.* 14*s.* 9*d.* ½ be granted to his majesty for maintaining the forces and garrison in Gibraltar, for the year 1718. 6 That the sum of 13561*l.* 9*s* 5*d* be granted to his majesty, for provisions for the garrison of Gibraltar, for the year 1718 7. That the sum of 1,553*l.* 17*s* 1*d* be granted to his majesty, for provisions for the garrisons at Placentia and Annapolis, for the year 1718. 8. That the sum of 2,858*l.* 13*s* 10*d* be granted for ordnance, stores, and provisions, for the independent company in the islands of Bahama and Providence, for the year 1718 9. That a sum not exceeding 130,361*l* 5*s* 5*d.* be granted to his majesty, for the charge of half pay to the reduced officers of his majesty's land forces and marines, for the year 1718. 10 That a sum not exceeding 73,327*l* 12*s* 11*d* be granted to his majesty, for the charge of the office of ordnance for the land service, for the year 1718; 11. That a sum not exceeding 29,645*l* 3*s* 9*d.* ½ be granted to his majesty, to enable the treasurer of the navy to make good the payments, which at or before the 24th of June, 1718, may be demanded of him, pursuant to an act of parliament for completing the funds of 603,000*l.* per annum, payable to the South Sea company. 12. That a sum not exceeding 581,196*l* 3*s* be granted to his majesty, to make good the deficiency of the grants for the year 1717."

The first of these Resolutions being read a second time, a motion was made that the same be recommitted; upon which there arose a warm debate, and most of the members who spoke in the debate of the 5th, made speeches either for or against the said motion. Among others, Sir *Thomas Hanmer* spoke as follows:

"Mr. Speaker; I cannot forbear troubling you with a few words upon this subject, though I can neither flatter myself with the hopes of convincing any one, nor pretend to be able to offer any thing to your consideration, which has not in a better manner been urged already. But I am truly concerned for the mischiefs which, I think we are giving way to; and if I cannot prevent them, it will be a satisfaction to me at least to protest against them.

"All gentlemen who have spoke in this debate, have, for their different opinions, agreed in one thing, to press very much the argument of danger; and the only question is, on which side the danger lies; whether to the government, without a military force to support it; or to the constitution and liberties of Great Britain, from that military force, if it be allowed to continue in it.

"As to the dangers which threaten the government, I think I am not willing to overlook them But I hope we may be excused, if we cannot be convinced of dangers, which no man, that I hear, pretends to explain to us. Abroad the state and circumstances of Europe happen to be such, that I think it is hard to suppose a time possible, when there shall be less appearance or apprehension of any immediate disturbance to this kingdom. The three great powers, those which are most considerable to themselves and of nearest concern to us, I mean the Empire, France and Holland,

are so far from being at any enmity with us, that they are all of them our fast friends and allies, at least we are told so, and hear very often a great deal of boasting upon that subject, whenever the administration of the government is to be extolled, and the merits of it are to be set forth to us. Upon these occasions we hear of nothing but the wise and useful treaties which have been made, the great influence which we have acquired in foreign courts and councils, and the solid foundations which are laid for our security. But when, in consequence of these great things, we come to talk of reducing forces, then I observe the language is quite turned the other way, then we are in the weakest and most insecure condition imaginable, there is no dependence upon any thing, and we must even be thought disaffected to the government, if we will not believe that we are surrounded on all sides with the greatest dangers.

"But in the midst of these contrarieties and contradictions, I think we need not be at any loss what our conduct ought to be; if we will but have regard to those plain rules and maxims which have always been observed in the like cases with that which is now before us. It would certainly be an endless thing, for an House of Commons to enter into the secrets of state, and to debate upon the different views, and interests, and intrigues of foreign courts; what jealousies are among them, and what treaties are on foot to reconcile them. If we take such things into our considerations, to guide us in questions concerning our own guards and garrisons here at home, we shall be in a labyrinth indeed; and must be compelled at last to put an absolute trust in the government, because they only know the truth of such matters, and from them we must be content to receive whatsoever account they think fit to give us of them. But the only thing proper for us to look to is, what is plain and obvious to the sense of all mankind, I mean, When are the times of present peace? There need no refinements of politics to know that, and I will venture to say, that during such times of peace, no remote fears, no arguments drawn from contingencies of what may be hereafter, have ever yet brought this nation into a concession so fatal to liberty, as the keeping up of standing forces, when there is no other employment for them, but to insult and oppress their fellow-subjects. I say there has hitherto been no precedent of that kind, and the misfortune of this case is, there will need but one precedent in it, one wrong step taken, in this particular, may put an end to all your claims of rights and privileges.

"And on the other hand I beg it may not be taken for granted, that if we dismiss our soldiers, we shall therefore leave ourselves naked, and void of all protection against any sudden danger that may arise. No, Sir, Providence has given us the best protection, if we do not foolishly throw away the benefit of it. Our situation is our natural protection; our fleet is our protection; and if we could ever be so happy as to see it rightly pursued, a good agreement betwixt the king and people, uniting and acting together in one national interest, would be such a protection as none of our enemies would ever hope to break through.

"It is a melancholy thing to me to hear any other notions of government advanced here, and that his majesty either from his private or his general council, should ever upon this subject have any thing inculcated to him, but this great truth, 'That the true and only support of an English prince does and ought to 'consist in the affections of his people.' It is that should strengthen his hands; it is that should give him credit and authority in the eyes of other nations; and to think of doing it, by keeping up a number of land forces here at home, such a number as can have any awe or influence over the great powers on the continent, is, I think, one of the wildest imaginations that ever entered into the heart of man. The only strength of this nation must always consist in the riches of it; riches must be the fruits of public liberty; and the people can neither acquire riches, nor the king have the use of them, but by a government founded in their inclinations and affections.

"If this be true, then of consequence it follows, that whoever advises his majesty to aim at any additional security to himself, from a Standing Army, instead of increasing his strength, does really diminish it, and undermine his true support, by robbing him of the hearts of his subjects. For this I take for granted, that as there are but two ways of governing: the one by force, and the other by the affections of the people governed, it is impossible for any prince to have them both. He must chuse which of the two he will stick to, for he can have but one. If he is master of their affections, he stands in no need of force; and if he will make use of force, it is in vain for him to expect their affections. For it is not in nature, and it can never be brought to pass, that men can love a government, under which they are loaded with heavy taxes; and pay a considerable part of their estates to maintain an army, which insults them in the possession of the rest, and can turn them out of the whole whenever they please.

"With submission therefore, the argument is taken by the wrong end, when it is said, There are great animosities in the kingdom, the people are disaffected, and upon that account there is a necessity of keeping up an army. It concludes much righter the other way; that is, dismiss your army, and give no other cause of suspicion that any part of the constitution is to be invaded, and the people will be well-affected. Upon any other foot than this, what minister will ever care, whether he does right or wrong? it is not his concern whether the people are easy or uneasy; his army is his dependance: nay, and the more by his wicked councils he exasperates and enrages the people, the stronger he makes his pretence for

maintaining and increasing that army which supports him.

"What I have said, I confess, goes upon a supposition, that the numbers contained in the Estimate, and in the question before you, do make an army formidable enough, and able to enslave this nation; of which indeed there remains no doubt with me. In the manner these forces are constituted, I think, a prince who would wish to be arbitrary, could desire no more: and if he had all the power in his hands, I think, for his own sake he would keep no more.

"Of what nature the reductions here been, other gentlemen have so fully explained, and I believe it so generally understood, that it will be needless for me to dwell upon it. But the short of the case is this, That out of 52,000 men, 13 regiments only have been disbanded, which do not amount to more than 5 or 6,000, besides a few invalids, which were taken from the establishment of the army and put upon the establishment of the hospital. So that there are the corps now subsisting of more than 25,000 men, which corps may be filled up to their entire complement whensoever the government pleases, and that even without any noise or notice taken. For the case is very different in that respect, where the regiments are few, and those kept complete: There if the numbers allowed by act of parliament are exceeded, it must be by raising new regiments, which is easily seen and known. But where the corps are kept up with only a few men in them, and some recruits will always be necessary for them, there if the government is willing to be at the charge, they may keep the numbers up to what they please, and it is impossible to know when the parliamentary standard is exceeded or not. Thus therefore stands our account: In the first place, the public is to pay 18,000 men; in the next place, the number of effective men is to be 16,347: and if those are not sufficient to exercise dominion over us, yet, in the manner they are kept together, they are equivalent to 25,000; the charge is inconsiderably less, and the terror, which is the main thing, is not at all abated.

"For the taking this dangerous step, the only justification I hear gentlemen offer for themselves, the only shelter they fly to, is the great confidence which is to be reposed in his majesty's just and gracious intentions; of those I will entertain no doubt. I believe his majesty is too good to be suspected of any arbitrary designs. But yet there is a general suspicion, which I will never be ashamed or afraid to own; because it is a suspicion interwoven in our constitution; it is a suspicion upon which our laws, our parliament, and every part of our government is founded; which is, That too much power lodged in the crown, abstracting from the person that wears it, will at some time or other be abused in the exercise of it, and can never long consist with the natural rights and liberties of mankind: And, therefore, whatever opinions we have of his majesty's goodness, and how much soever he deserves them, we should still consider, that in this place we are under a distinct duty to our country, and by that duty we should be as incapable of giving up such an unwarrantable trust, as his majesty, I am persuaded, would be incapable of abusing it, if he had it in his hands. Those we represent will expect, and they ought to expect from us, that they should not only continue to enjoy what belongs to them, as Englishmen; but that they should hold it still by the same tenure. Their estates, their lives, and their liberties, they have hitherto possessed as their rights; and it would be a very great and sad change, and such as shall never have my consent along with it, to make them only tenants at will for them."

The question being then put on the motion for recommitting the first Resolution, it was carried in the negative, by a majority of 175 voices against 145; and then the first Resolution was agreed to by the House.

The second Resolution being afterwards read a second time, a motion was made, that the same be recommitted, which occasioned a fresh debate.

Mr. *Robert Walpole*, who made the most remarkable speech, urged, That by the method that had been followed in the reduction of the Army, the nation was put to an extraordinary and needless charge. Which he endeavoured to prove, by entering into the particulars of the regiments that were kept standing; shewing the disproportion between the foot, and the horse and dragoons, which last were most grievous and oppressive to the country; and suggested, That by reducing the army in another manner, the full number of land forces already voted might be kept up, and yet near 100,000*l.* saved to the nation, besides the pay of general Officers, which he doubted not, all gentlemen would readily acknowledge, with him, to be an unnecessary expence. This overture was listened to with great attention, and particularly by sir Joseph Jekyll, who being desirous to know what Mr. Walpole had to propose, to save so considerable a sum to the nation, declared his opinion for recommitting the second Resolution above-mentioned, which was carried without dividing. It was also resolved, That the last of the three above-recited Resolutions be recommitted.

Dec. 9. The House resolved itself into a grand committee, to take into consideration the second Resolution, viz. for granting to his majesty the sum of 681,618*l.* which had been recommitted.

Mr. *Craggs*, who spoke first, said, That having already agreed to the number of troops, it was but natural and reasonable to grant the sum necessary to maintain those troops: that the Commons had never entered into the particulars of the regiments, whether horse, dragoons, or foot; but contenting themselves with fixing the whole number, had wholly left

the regulating of that matter to the crown; and therefore he hoped they would not shew less regard to his majesty, or repose less confidence in his wisdom, of which they had seen so many instances, particularly both in augmenting and reducing of the army. Mr. Craggs was seconded by Mr. Aislabie, Mr. Lechmere, Mr. Treby, Mr. Yonge, sir Richard Steele, gen. Carpenter, gen. Wade, gen. Stanwix, and others. But on the other hand,

Mr. *R. Walpole* represented, That the best way for the Commons of Great Britain to acknowledge his majesty's most gracious intentions, for the good of his subjects, was to point out to him the means of rendering those good intentions effectual; that this might be done by disbanding or dismounting eight or nine regiments of dragoons, whereby the country would be eased of a great burden and oppression; and that by this, and some other reductions, of which he made mention, a considerable sum of money might be saved to the nation; as well as by taking off the pay of the general officers, and other useless contingencies.

Mr. Widpole was backed by sir Joseph Jekyll, sir Thomas Hanmer, sir William Wyndham, Mr. John Smith, and sir Thomas Cross; and, on the other hand, the courtiers endeavoured to shew, either that the Reductions proposed were impracticable, or would not answer the end intended thereby. But some general officers having said, That for their own parts, if their having no pay could any way contribute to make the nation easy, they readily acquiesced. They were taken at their words: and the question being put, That a sum not exceeding 650,000*l.* be granted to his majesty, for defraying the charge of 16347 effective men for guards and garrisons, and other his majesty's land forces, in Great Britain, Jersey and Guernsey, for the year 1718, the same was carried in the affirmative, by 172 against 158. And this Resolution was the next day reported and agreed to, by the House, without opposition.

Dec 11. In a grand committee on ways and means to raise the supply, after some debate upon the question, whether two or three shillings in the pound be laid upon land, it was by 164 votes against 97, carried for the latter. There were great struggles to save the odd shilling, but it would not do; for the next day Mr Farrer reported the resolution of the committee, which was agreed to by the House; and a bill was ordered to be brought in accordingly.

Debate in the Commons on the Scarcity of the Silver, and on lowering the Value of the Gold Coins.] Dec. 29. Mr. Aislabie took notice of the great scarcity of the Silver Species, which in all probability, was occasioned by the exportation of the same, and the importation of gold; and proposed, That a speedy remedy might be put to that growing evil, by lowering the value of the gold species. He was seconded by Mr. Caswall, member for Leominster, one of the Sword-Blade Company; but Mr. R. Walpole, who did not expect such a motion, said, This was a matter of so great importance, that it ought to be well weighed and maturely considered, before the House came to any Resolution thereupon." It was accordingly resolved,

1. "That this House will, to-morrow morning, resolve itself into a Committee of the whole House, to take into consideration the state of the nation, in relation to the Gold and Silver Coins of this kingdom.—2. That an humble Address be presented to his majesty, That he will be graciously pleased to give directions, that the Representations made by the officers of the Mint to the Lords Commissioners of the Treasury, in relation to the Gold and Silver Coins of this kingdom, may be laid before this House."

Ordered, That the Officers of the Mint do attend this House to-morrow morning.

Dec. 21 Mr. Aislabie renewed the motion he made the day before, relating to the Coin, and was seconded by Mr. Caswall,* who made a speech, on the various and respective values, which at different times, Gold and Silver Coins have born, with respect one to the other, according to the plenty or scarcity of either, and suggested, That the over-valuation of gold in the current coins of Great Britain, had occasioned the exportation of great quantities of silver species; and to that purpose, laid open a clandestine trade, which of late years had been carried on by the Dutch, Hamburghers, and other foreigners, in concert with the Jews and other traders here, which consisted in exporting Silver Coins, and importing Gold in lieu thereof, which being coined into guineas at the Tower, near 15 pence was got by every guinea, which amounted to about 5 per cent. and as these returns might be made five or six times in a year, considerable sums were got by it, to the prejudice of Great Britain, which thereby was drained of silver and over-stocked with gold: concluding, that in his opinion, the most effectual way to put a stop to this pernicious trade, was to lower the price of guineas, and all other gold species.

This speech was received with general applause, and it was resolved in the Grand Committee, and unanimously agreed to by the House, "That an Address be presented to his majesty, to issue his royal Proclamation, to forbid all persons to utter, or receive any of the pieces of Gold, called Guineas, at any greater or higher rate than one and twenty shillings for each Guinea, and so proportionably for any greater or lesser pieces of coined Gold." This Address being presented to his majesty, a Proclamation was issued accordingly.†

* Mr. Caswall was knighted during the Session.

† The following is a copy of the said Proclamation:

"G. R. Whereas the value of the Gold, compared with the value of the Silver in the

Reports made by sir Isaac Newton, Master of the Mint, concerning the State of the Gold and Silver Coins.] This day, Mr. Lowndes presented to the House, the following Reports, made by sir Isaac Newton, master of the Mint, concerning the Gold and Silver Coins:

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current coins of this realm, as paid and received, is greater in proportion than the value of gold is to the value of silver in neighbouring nations; and the over valuation of Gold in the current coins of this realm, hath been a great cause of carrying out and lessening the species of the Silver coins thereof, which is highly prejudicial to the trade of this kingdom: And whereas the Commons in parliament have, by their Address, humbly besought us, That we would be graciously pleased to issue our royal Proclamation, to forbid all persons to offer or receive any of the pieces of Gold, called Guineas, at any greater or higher rate than one and twenty shillings for each guinea, and so proportionably for any greater or lesser pieces of coined gold, which we have graciously condescended unto. Now, for, and towards remedying the said evil, we have thought fit, with the advice of our privy council, to issue this our royal Proclamation, hereby strictly prohibiting all and every person and persons whatsoever, to utter or receive any of the pieces of Gold Coin of this kingdom, commonly called Guineas, (which in our mint were coined only at twenty shillings each, but have been by our subjects paid and received at the rate of one and twenty shillings and six pence each) at any greater or higher rate or value than one and twenty shillings for each guinea, and so proportionably for the pieces of gold called half-guineas, double-guineas, and five poond pieces; and the other pieces of ancient Gold Coin of this kingdom, which by their wearing may be diminished in their weight, at any greater or higher rate or value than as followeth, That is to say, the piece of gold now received and paid for three and twenty shillings and six pence, to be hereafter received and paid for three and twenty shillings, and no more. The piece of gold now received and paid for five and twenty shillings and six pence, to be hereafter received and paid for five and twenty shillings, and no more; and so proportionably for smaller pieces of the like gold coin: at which Rates and Values we do hereby declare the said respective pieces of coined gold to be current. And we do hereby strictly charge and command all our loving subjects whatsoever, that they do not presume to receive or pay the gold coins of this realm, at any greater rates or values than the rates and values aforesaid, upon pain of our highest displeasure and upon pain of the greatest punishment that by law may be inflicted upon them for their default, negligence and contempt in this behalf.

Given at our Court at St James's, the 22nd of December, 1717. In the 4th year of our reign.

To the right hon. the Lords Commissioners of his Majesty's Treasury.

"May it please your lordships;

"In obedience to your lordships' order of reference, of August 12th, that I should lay before your lordships a State of the Gold and Silver Coins of this kingdom, in weight and fineness, and the value of gold in proportion to silver, with my observations and opinion; and what method may be best for preventing the melting down of the Silver Coin; I humbly represent, That a pound weight troy of gold, 11 ounces fine, and one ounce allay, is cut into 44½ guineas; and a pound weight of silver, 11 ounces two penny weight fine, and 18 penny weight allay, is cut into 62 shillings; and, according to this rate, a pound weight of fine gold is worth 15 pounds weight six ounces 17 penny weight and five grains of fine silver, reckoning a guinea at 1*l* 1*s* 6*d*. in Silver-money; but silver in bullion, exportable, is usually worth 2*d*. or 3*d*. per ounce more than in coin; and if, at a medium, such bullion of standard-allay, be valued at 5*s* 4½*d*. per ounce, a pound weight of fine gold will be worth but 14 lb. wt. 11 oz. 12 dwt. 9 gr. of fine silver in bullion; and, at this rate, a guinea is worth but so much silver as would make 20*s*. 8*d*. When ships are lading for the East-Indies, the demand of silver, for exportation, raises the price to 5*s*. 6*d* or 5*s*. 8*d* per ounce, or above; but I consider not those extraordinary cases.

"A Spanish pistole was coined for 32 rials, or four pieces of eight rials, usually called pieces of eight, and is of equal allay, and the sixteenth-part of the weight thereof; and a Doppio Moedn of Portugal was coined for ten crusados of Silver, and is of equal allay, and the sixteenth part of the weight thereof. Gold is therefore in Spain and Portugal of sixteen times more Value than Silver of equal weight and allay, according to the standard of those kingdoms; at which rate, a guinea is worth 22*s*. 1*d*: but this high price keeps their Gold at home, in good plenty, and carries away the Spanish Silver into all Europe; so that at home they make their payments in Gold, and will not pay in Silver without a premium: upon the coming in of a Plate-fleet the premium ceases, or is but small; but as their Silver goes away, and becomes scarce, the premium increases, and is most commonly about six per cent, ; which being abated, a guinea becomes worth about 20*s*. 9*d*. in Spain and Portugal.

"In France, a pound weight of fine Gold is reckoned worth 15 pounds weight of fine silver: in raising or falling their money, their king's edicts have sometimes varied a little from this proportion in excess, or defect; but the variations have been so little, that I do not here consider them: by the edict of May 1709, a new pistole was coined for four new lewisses, and is of equal allay, and the fifteenth-part of the weight thereof, except the errors of their mints; and, by the same edict, fine Gold is valued at 15 times its weight of fine Silver; and, at this

rate, a guinea is worth 2[illegible]*d.*: I consider not here the confusion made in the monies in France, by frequent edicts to send them to the Mint, and give the king a tax out of them. I consider only the value of Gold and Silver in proportion to one another.

"The ducats of Germany, and Hungary, and the empire, were lately current in Holland, among the common people, in their markets, and ordinary affairs, at five guilders in specie, and five stivers; and commonly changed for so much Silver-monies in three-guilder pieces and guilder-pieces, as guineas are with us for 21*s* 6*d.* sterling; at which rate, a guinea is worth 20*s* 7½*d.*

"According to the rates of Gold to Silver in Italy, Germany, Poland, Denmark, and Sweden, a guinea is worth about 20*s.* and 7*d.* 6*d.* 5*d.* or 4*d.* for the proportion varies a little within the several governments in those countries. In Sweden, gold is lowest in proportion to silver, and this hath made that kingdom, which formerly was content with copper money, abound of late with silver, sent thither (I suspect) for naval stores.

"In the end of king William's reign, and the first year of the late queen, when foreign coins abounded in England, I caused a great many of them to be assayed in the mint, and found by the assays, that fine gold was to fine silver in Spain, Portugal, France, Holland, Italy, Germany, and the northern kingdoms, in the proportions above-mentioned, errors of the mints excepted.

"In China and Japan, one pound weight of fine gold is worth but nine or ten pounds weight of fine silver; and in East-India it may be worth twelve: and this low price of gold in proportion to silver carries away the silver from all Europe.

"So then, by the course of trade and exchange between nation and nation in all Europe, fine gold is to fine silver as 14½, or 15, to one; and a guinea, at the same rate, is worth between 20*s.* 5*d.* and 20*s.* 8½*d*; except in extraordinary cases, as when a Plate fleet is just arrived in Spain, or ships are lading here for the East Indies; which cases I do not here consider: And it appears by experience, as well as by reason, that silver flows from those places, where its value is lowest in proportion to gold, as from Spain to all Europe, and from all Europe to the East-Indies, China, and Japan; and that gold is most plentiful in those places, in which its value is highest in proportion to silver, as in Spain and England.

"It is the demand for exportation which hath raised the price of exportable silver about 2*d.* or 3*d* in the ounce above that of silver in coin, and hath thereby created a temptation to export, or melt down, the silver coin, rather than give 2*d.* or 3*d.* more for foreign silver; and the demand for exportation arises from the higher price of silver in other places than in England in proportion to gold; that is, from the higher price of gold in England than in other places in proportion to silver; and therefore may be diminished, by lowering the value of gold in proportion to silver. If gold in England, or silver in East-India, could be brought down so low as to bear the same proportion to one another in both places, there would be here no greater demand for silver, than for gold to be exported to India: And if gold were lowered only so as to have the same proportion to the silver money in England which it hath to silver in the rest of Europe, there would be no temptation to export silver rather than gold to any other part of Europe: And to compass this last, there seems nothing more requisite than to take off about 1*0d* or 12*d.* from the guinea; so that gold may bear the same proportion to the silver money in England, which it ought to do by the course of trade and exchange in Europe, but if only 6*d* were taken off at present, it would diminish the temptation to export, or melt down, the silver coin; and, by the effects, would shew hereafter, better than can appear at present, what further reduction would be most convenient for the public.

"In the last year of king William, the dollars of Scotland, worth about 4*s* 6½*d.* were put away in the North of England for 5*s* and at this price began to flow in upon us. I gave notice thereof to the lords commissioners of the treasury, and they ordered the collectors of taxes to forbear taking them; and thereby put a stop to the mischief.

"At the same time, the lewidors of France, which were worth but seventeen shillings and three farthings apiece, passed in England at 17*s* 6*d*: I gave notice thereof to the lords commissioners of the treasury; and his late majesty put out a proclamation, That they should go but at 17*s*; and thereupon they came to the Mint; and 1,400,000*l.* were coined out of them: and if the advantage of 5½*d.* in a lewidor, sufficed at that time to bring into England so great a quantity of French money, and the advantage of three farthings in a lewidor to bring it to the mint, the advantage of 9*d.* halfpenny in a guinea, or above, may have been sufficient to bring the great quantity of gold, which hath been coined in these last fifteen years, without any foreign silver.

"Some years ago, the Portugal moedors were received in the west of England at 28*s.* a-piece; upon notice from the mint that they were worth only about 27*s.* 7*d*, the Lords Commissioners of the Treasury, ordered their receivers of taxes to take them at no more than 27*s.* 6*d.* Afterwards many gentlemen in the west sent up to the treasury a petition, that the receivers might take them again at 28*s.* and promised to get returns for this money at that rate; alledging, that when they went at 28*s* their country was full of gold, which they wanted very much: But the commissioners of the treasury, considering, that at 28*s.* the nation would lose 5*d.* a piece, rejected the petition: And if an advantage to the merchant of 5*d.* in 28*s.* did pour that money in upon us, much more hath an advantage to the merchant of 9½*d.* in a guinea, above been able to bring into the Mint great

quantities of gold, without any foreign silver; and may be able to do it still, till the cause be removed.

"If things be let alone till silver money be a little scarcer, the gold will fall of itself; for people are already backward to give silver for gold, and will, in a little time, refuse to make payments in silver without a premium, as they do in Spain; and this premium will be an abatement in the value of the gold; and so the question is, Whether gold shall be lowered by the government, or let alone till it falls of itself, by the want of silver money.

"It may be said, that there are great quantities of silver in plate; and if the plate were coined, there would be no want of silver money: But I reckon, that silver is safer from exportation in the form of plate than in the form of money, because of the greater value of the silver and fashion together; and therefore I am not for coining the plate, till the temptation to export the silver money, which is a profit of 2*d.* or 3*d.* an ounce, be diminished; for as often as men are necessitated to send away money for answering debts abroad, there will be a temptation to send away silver rather than gold, because of the profit, which is almost four per cent.; and, for the same reason, foreigners will choose to send hither their gold rather than their silver.

"All which is most humbly submitted to your lordships great wisdom. ISAAC NEWTON.

Mint-Office, 21st September 1717.

To the Right Hon. the Lords Commissioners of his Majesty's Treasury.

"May it please your Lordships;

"In obedience to your lordships' order of reference of the 19th instant, That an account be laid before your lordships of all the gold and silver, coined in the last 15 years; and how much thereof hath been coined out of plate upon public encouragements; and what copper money hath been newly coined; it is humbly represented, that since Christmas, 1701-2, to the 19th instant, there hath been coinad in gold 7,127,855*l.* in tale, reckoning 44½ guineas to a pound weight troy, and 21*s.* 6*d.* to a guinea; and in silver 223,580*l.* sterling, reckoning 3*l.* 4*s.* to a pound weight troy; and that part of this silver, amounting to 143,086*l* sterling, was coined out of English plate, imported upon public encouragement, in the years 1709 and 1711; and another part, amounting to 13,342*l.* was coined out of Vigo plate in the years 1703 and 1704; and another part, amounting to 45,732*l.* was coined from silver extracted from our own lead-ore; and the rest, amounting to 21,220*l.* was coined chiefly out of old plate melted down by goldsmiths; and some of it out of pieces of eight.

"The graver of the Mint has been hard at work, ever since the last session of parliament, in making the embossments and puncheons for the halfpence and farthings, and taking off a few dies from them: the making of an embossment, and a puncheon, for halfpence, takes up the time of about six weeks; and there have been two embossments, and two puncheons, made for the halfpence, and one for the farthings; and now these are finished, and some dies are made from the puncheons, it will take up a little time to examine the copper, and settle the best method of preparing, sizing, nealing, and cleaning it, and making it fit for the Mint; this being a manufacture different from that of coarse copper, and more difficult, and not yet practised in England; and as soon as this method is fixed, we shall begin to coin in quantity.

"All which is most humbly submitted to your lordships' great wisdom.

Mint-Office, Nov. 25, 1717. Is. NEWTON."

This day both Houses adjourned to the 15th of January*.

January 15, 1718. The House of Commons met, and came to the following Resolutions:

1. "That this House will not alter the Standard of the Gold and Silver Coins of this kingdom in fineness, weight, or denomination. 2 Resolved That this House will, upon Thursday sennight, resolve itself into a Committee of the whole House, to take into consideration the State of the Nation, in relation to the Gold and Silver Coins of this kingdom†."

Debate in the Lords on the State of the Coin.] January 16. The Lords met this day, pursuant to adjournment. The prince of Wales went to the House of Peers, which being very full, my lord North and Grey stood up, and "took notice of the great ferment that was in

* "It was generally believed this adjournment was occasioned by some measures that were then taken, in order to reconcile the royal family, which not having the desired effect, it was expected, this king would, on the day of meeting, have come to the House of Peers, and acquainted the parliament with some matters of importance; but the court took another course, to the great disappointment of some persons."—Tindal.

† "The lowering the value of gold, which was thought a proper expedient to procure a greater circulation of silver species, had, during the recess, a contrary effect, either, as was supposed, through the covetousness of some monied men, who hoarded up silver, in hopes that the same would be raised; or out of fear that gold would still be lowered; or through the malice of the disaffected, who, by the same method, thought, if not to distress the government, at least to raise murmurings against it among the common people, upon account of the stop which was thereby put to petty trade. In order therefore to remedy this great evil, as soon as the Commons met, they came to a Resolution, 'That this House will not alter the standard of the gold and silver coins of this kingdom in fineness, weight, and denomination: the Lords came also to the same Resolution, and ordered a bill to be brought in to prevent the melting down of the silver coin."—Tindal.

the nation"———As his lordship made here a small pause, the Lords began to be very attentive, and some in pain, fearing his lordship would touch upon matters of a high and nice nature: but his lordship soon eased them, by mentioning only the great Scarcity of Silver, which occasioned a general stop of trade, and very much distressed the poor. Upon which, the Lords resolved to take that matter into consideration on Thursday the 23rd.*

January 23. The Lords in a grand committee, took into consideration the state of the nation, in relation to the Gold and Silver coins.

The Lord *Bingley*, having represented the great prejudice that trade received from the scarcity of silver, said, among other things, it was a matter of wonder a remedy had not seasonably been applied to so great an evil, which had visibly been growing for so many months past.

* "About this time a design against the king's life was discovered. The author of it seemed to be fitter for Bedlam than Newgate His name was James Shepheard, a youth of eighteen years, apprentice to a coachmaker in Devonshire-street. On the 24th of January, he came to the house of Mr. John Leake, a non-juring clergyman, and, not finding him at home, left a letter with the maid, who delivered it to Mr. Leake's daughter. When Mr. Leake came home, the letter was given to him, who, upon reading the superscription, found it directed for the reverend Mr. Heath; upon which he doubted of its being left for him; but being told by the maid, that it was left for him, and considering that there was no such person as Mr. Heath, a clergyman, in that neighbourhood, he opened the letter, and, having read it to himself, told his maid and daughter, it was a wicked and villainous letter, and then read it to them, and afterwards threw it into the fire But, upon considering the matter, and suspecting that some person might have sent it with a design to get his house searched, and fix an odium upon him, he went to sir John Fryer, alderman, the next morning, and acquainted him with the matter. Sir John advised him to secure the writer of the letter, if he should call again at his house, as it seems he had promised to do. According to his promise he called again in three days, when Mr. Leake asked him whether his name was James Shepheard, and if he had left a letter for him on the Friday before? he answered in the affirmative; upon which he was seized and carried before sir John Fryer; Shepheard owned to him the bringing of the letter; and being asked, if he had a copy of it? he answered, he had no copy about him, but, if he had pen, ink, and paper, he could soon write one; which he did, and gave it to sir John; who observing to him, that he had not put his name to it, he immediately subscribed it, affirming, that he believed it to be a true copy of the letter he had left at Mr Leake's; and that, if at all, it differed only in some few words. The copy was as follows:

'Sir, From the many discontents visible 'throughout this kingdom, I infer, that, if the 'prince now reigning could be by death re- 'moved, our king being here, he might be 'settled on his throne without much loss of 'blood For the more ready effecting of this, 'I propose, that, if any gentleman will pay for 'my passage into Italy, and if our friends will 'entrust one so young with letters of invitation 'to his majesty, I will, on his arrival, smite the 'usurper in his palace. In this confusion, if 'sufficient forces may be raised, his majesty 'may appear, if not, he may retreat or conceal 'himself till a fitter opportunity. Neither is 'it presumptuous to hope, that this may succeed, if we consider how easy it is to cut the 'thread of human life; how great confusion 'the death of a prince occasions in the most 'peaceful nations; and how mutinous the 'people are, how desirous of a change. But 'we will suppose the worst, that I am seized, 'and by torture examined. Now, that this 'may endanger none but myself, it will be ne- 'cessary, that the gentleman, who defrays my 'charges to Italy, leave England before my de- 'parture; that I be ignorant of his majesty's 'abode; that I lodge with some Whig, that 'you abscond; and that this be communicated 'to none. But, be the event as it will, I can 'expect nothing less than a most cruel death; 'which that I may the better support, it will 'be requisite, that, from my arrival till the at- 'tempt, I every day receive the holy sacra- 'ment, from one who shall be ignorant of the 'design. JAMES SHEPHEARD.'

"Sir John Fryer committed him prisoner to the Compter, and afterwards went with him and Mr. Leake, his daughter and maid, to the earl of Sunderland's office, where the copy of the letter was produced and read to him; which he owned with the greatest unconcern imaginable. He owned likewise, that, while he was at school at Salisbury, he had imbibed the principles, which he then acted upon, by conversation with his school-fellows, who, in the time of the rebellion in the north, wished the Pretender might have success, and was confirmed in his opinion by reading some pamphlets he saw lying on some booksellers' stalls, particularly, 'A Vindication of the Bishop of 'Exeter,' and especially from the improvement of the words of St. Paul, 'That persons 'ought to be obedient to the powers that were 'set over them, although they were tyrannical.' That he had three years ago resolved upon the design to assassinate the king, and did determine to put it in execution, when opportunity offered. He was brought to his trial on the 6th of March, for high-treason, and the evidence against him was very strong. Being called upon by the court to make his defence, he acknowledged the truth of what had been deposed against him; and owned, that he meant it, that he intended it, and did not think

Lord *Stanhope* answered him, that the scarcity of silver species was owing to several causes; 1st, The encreasing luxury, in relation to silver plate. 2ndly, To the vast exports of bullion and other plate to the East Indies. And 3dly, To the clandestine trade that had lately been carried on, of exporting silver and importing gold to and from Holland, Germany, and other parts. To prove these particulars his lordship produced several papers, and, among the rest a scheme drawn up by Henry Martin, esq inspector general of the exports and imports at the custom house, whereby it appeared, that in the year 1717, the East India company had exported near three millions of ounces of silver, which far exceeds the imports of bullion in that year; it necessarily followed, that vast quantities of silver species must have been melted down, both to make up that export, and to supply silver-smiths. His lordship added, that it was impossible for those in the administration to remedy this evil, without the interposition of the parliament; and as for the trade of exporting silver, and importing gold in lieu of it, which encreased the scarcity of the first, the most effectual method that could be thought of to prevent it, had been already used, viz. the lowering the price of gold, which would not have failed to have in great measure, produced the desired effect, but for the covetousness of some, or the malice of others, who, by hoarding up silver, thought either to make considerable gains, or to distress the government: so that, upon the whole matter, no fault could be found upon this score with the managers of his majesty's treasury; but that, on the contrary, it might to their praise be observed, that the public credit never ran so high in any other hands, since the government could now borrow great sums at 3½ per cent.

The Earl of Oxford answered the lord Stanhope, and made some reflections, which the other returned very smartly. Though the lord viscount Townshend, the lord Cowingsby, and some other peers, spoke also on this occasion, yet their lordships came that day to no Resolution; but the farther consideration of that matter being put off till Saturday the 25th of January. It was on that day resolved, "That no alteration should be made in the standard of the Gold and Silver Coins of this kingdom, in fineness, weight or denomination," which Resolution was, on the 27th, reported and agreed to by the House. The next day their lordships resumed the consideration of that affair; and after having examined the officers of the mint, and the master and wardens of the goldsmiths company, ordered a Bill to be brought in, "to prevent the melting down of the Coins of this kingdom."

Debate in the Commons concerning the Half-Pay Officers.] January 22. The House of Commons, in a committee of the whole House, considered further of the Supply, and particularly in relation to the Half-Pay of the reduced Officers.

Mr. *Hutcheson*, who had already prepared the minds of the assembly, by causing his book of Abstracts and Observations, to be distributed gratis to most of the members, made use of his own incubrations and remarks to shew, That the Lists of Half-Pay were charged with many officers who had no right to it; and was powerfully supported by

Mr *Robert Walpole*, who, in particular, excepted against the allowing Half-Pay here, to the officers of the 18 regiments lately reduced in Ireland.

Mr. *Craggs* answered those two gentlemen with a great deal of vivacity, and as much strength of reason as the nature of the several particulars objected against would admit of; And because it was suggested by Mr. Walpole, That he had not been long in his office; Mr. Craggs readily owned, That he could not boast of so much experience in affairs as a certain gendemen; but this he was sure of, that though a novice, he would, ten years hence, be of the same opinion he was of at present, and not imitate them who changed theirs, as they were in or out of place. Hereupon

Mr. *Walpole*, who could not but perceive that this bolt was levelled at him, appealed to the assembly, Whether, while he had the honour to be in the employment, he had not declared his opinion as freely as he did at present, particularly in relation to the matter now before them? Mr. John Smith, sir Henry Bonbury, and sir William Wyndham, supported Mr. Walpole, and all of them did justice to the Officers who had served their country in the two last wars; excepting only against the abuse which had been made of the national bounty, in granting Half-Pay to those that did not deserve it. On the other hand, Mr. Aislabie, colonel Bladen, sir Charles Hotham, sir Richard Steele, general Wade, Mr. Lowndes, and several others, supported Mr. Craggs, and

Mr. *Boscawen*, said, That, in his opinion, the Officers who had lately served against the rebels in Scotland, and in the north and west of England, had no less merited than those who had served many years in foreign wars, since by suppressing a most unnatural and detestable rebellion, they had delivered their country from its most dangerous enemies. But though the court party, instead of about 130,360*l* to which the list of Half-Pay for 1718 amounted, would have been contented with 115,000*l*, yet a mo-

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there was any harm in it, or any guilt in the fact, if committed. Upon this he was condemned, and executed at Tyburn, being attended by Mr. Orme, a non-juring clergyman, who absolved him at the gallows, and was supposed to have penned his speech; which being an invective against the king, the government did not think proper to allow it to be printed; and Mr. Orme was taken into the custody of a messenger. Orme was frequently examined; but, as nothing appeared, upon which it was judged proper to bring him to a trial, he was at last set at liberty." Tindal.

tion being made, and the question put, That the chairman leave the chair, it was carried in the affirmative, by 186 voices against 148.

Jan. 24. The House went into a grand committee to consider farther of the Supply; particularly in relation to Half-Pay; and Mr. Hutcheson and Mr. Walpole chiefly insisted, That the Officers of the 13 regiments reduced in Ireland, ought to have been placed on the establishment of that kingdom.

The Lord Viscount *Broderick*, (lord Chancellor for Ireland), endeavoured to justify the ministry there, and represented how hard the case of those officers would be, if they were struck off the English establishment.

Mr. *Walpole* replied, That it was matter of surprize, that an end had been put to the session of the parliament of Ireland, without making provision for the said officers.

After this, it was agreed to strike off the List of Half-Pay all the minors under 16; several Warrant Officers, the officers of the 13 regiments reduced in Ireland, and the chaplains not provided for. Notwithstanding which, the courtiers still demanded 115,000*l.* for the List of Half-Pay; but the farther consideration of that matter was put off to the next day.

Jan. 25. The Commons went again into a committee of the whole House on the Sopply, and the courtiers renewed the demand of 115,000*l.* for the List of Half-Pay On the other hand, the opposite party were for reducing that sum to 80,000*l.* But Mr. Walpole having proposed 94,000*l.* the same was readily accepted on both sides.

Then Mr. Freeman moved, "That the vacancies in the Guards should be supplied by Half-Pay Officers." But the question being put thereupon, it was carried in the negative by 164 voices against 156.

Mr. Farrer immediately reported to the House, "That the committee had directed him to move, and it was accordingly resolved, That an humble Address be presented to his majesty, that all vacancies which shall happen in the troops upon the British establishment, be supplied by Half-Pay Officers, or Officers reduced, in Great Britain, of the same rank, except in the horse and foot-guards, and horse-grenadiers."

The King's Message on being chosen Governor of the South Sea Company.] February 1. Mr. Comptroller acquainted the Commons, That he had a Message to this House, signed by his Majesty; and he presented the same to the House, as follows.

"G R.

"His Majesty having received a very dutiful Address from the South Sea Company, That he would be graciously pleased to permit himself to be elected Governor of the said Company; and his Majesty being willing to condescend thereto, recommends it to this House, to consider of proper methods to remove any difficulties that may arise on that occasion."

Hereupon it was ordered, That leave be given to bring in a 'Bill to enable his Majesty to be Governor of the South Sea Company.' Which bill was accordingly immediately brought in, read twice, engrossed, read the third time, passed, and sent to the Lords; who, the same day, read it three times, and concurred to it without any amendment. On the following day, his Majesty came to the House of Peers, and gave his assent to the said Bill *

Debate in the Commons on the Mutiny Bill.] Feb. 4. The Commons put off the call of their House till that day sennight, and the order of the day being read, for the House to resolve itself into a Grand Committee, upon the 'Bill 'for regulating the Forces to be continued in his 'majesty's service, and for the payment of the 'said Forces, and their quarters, and for pu-'nishing Mutiny and Desertion:' The Serjeant at Arms was ordered to go with the mace into Westminster-hall and courts there, and court of requests, and other places adjacent, and summon the members there to attend the service of the House; and he went accordingly: and being returned, it was ordered, "That it be on instruction to the said Committee of the whole House, That they have power to receive a Clause, to take away unreasonable protections of soldiers from their just creditors, and also to prevent unjust or fraudulent arrests upon them." Then the House, which was more numerous than had been known for many years past, resolved itself into a grand committee, of which Gyles Erle, esq. was chosen chairman, a gentleman of bright parts, and equally well versed in civil and military affairs. After the reading of the Bill in question, and of the Articles of War,

Mr. *Hutcheson* excepted against the clause, enacting, "That it shall be and may be lawful to and for Courts Martial to punish Mutiny and Desertion with death;" urging, that a Court Martial was never allowed of in England in a time of peace, as being inconsistent with the rights and liberties of a free people; and moved, "That the offences committed by the soldiery be cognizable and punished by the civil magistrate."

Sir William Thompson answered Mr. Hutcheson, and the latter was seconded by

Mr Auditor *Harley*, who, to shew the danger of a standing army, governed by martial law, quoted, with great commendation, a book written some years ago by a noble member of that House, entitled, 'An Account of Denmark.' Hereupon

* "As every thing is influenced by party in England, the Whigs of the company had formed their plan, to chuse under the king Mr. Samuel Shepherd and sir Theodore Jansen. but the Tories laid their measures so well, that sir James Bateman, one of that party, was elected sub-governor, by a majority of 983 against 600, and the Whigs were forced to be satisfied with chusing Mr. Shepherd for deputy-governor." Tindal.

The Lord *Molesworth*, the author of that book, endeavoured to shew, that this was not a parallel case; that the present posture of affairs in Great-Britain was vastly different from the state of things in Denmark at that juncture; and that the Commons having already declared it necessary to maintain standing forces, it was no less necessary to keep those forces within the bounds of duty and discipline, by the ordinary rules of martial law, as was ever practised in all civilized nations.

Sir Gilbert Heathcote having backed the lord Molesworth,

Mr *Hungerford*, with his usual jocular way, said, he remembered a remarkable passage in the History of the Revolutions in Sweden, which was, that one Bung, a rich burgher or alderman of Stockholm, who had much contributed to the keeping up a standing army, was the first that was hanged by martial law. General Lumley, and some others, were of Mr. Hutcheson's opinion; and, on the other hand, sir Joseph Jekyll was for keeping up the martial law, at least a year longer. But the main brunt of the dispute fell between Mr. Craggs, Secretary at War, and Mr. Robert Walpole, who said all that the subject could bear, on either side; but who, in the heat of argument, could not forbear letting drop some sharp reflections. After they had done speaking, which was about 6 o'clock in the afternoon, some other members made speeches for and against the motion in agitation; and as Mr. Chancellor of the Dutchy had hitherto been silent, the court-party looked upon the success of this affair as very doubtful. But,

Mr *Lechmere* spoke with his usual eloquence and weight; and, among other particulars, confuted what Mr Walpole had advanced, That a Court-Martial, in time of peace, was altogether unknown in England: shewing to the contrary, that the Court of Admiralty, which is allowed in times of peace as well as of war, has an equal power in relation to seamen, with a Court Martial in relation to soldiers.

At last, about eight in the evening, the question being put, That the Clause relating to the punishment of Mutiny and Desertion should stand as expressed in the Bill, the same was carried in the affirmative by a majority of 247 against 229; so that there were 476 members in the House, besides three Whigs and six or seven Tories, who happened to be shut out when the question was put *.

Feb. 12. The engrossed Bill, 'For punishing 'Mutiny and Desertion,' &c was read the third time, and the question being put, That the said Bill do pass, it was carried in the affirmative by 186 voices against 105. This great majority was ascribed to Mr. Walpole's voting with the courtiers, and his having declared to his friends, That though in the debate about this bill, he was for having Mutiny and Desertion punished by the civil magistrate, yet he had rather those crimes should be punished by martial law, than not punished at all.

Debate in the Lords on the Mutiny Bill. Feb 12 An engrossed bill from the Commons, for punishing Mutiny and Desertion, and for the better payment of the Army and their quarters, being read the first time,

Lord *Stanhope* said, That he wished the same might be thoroughly canvassed and examined in a full House; for he was not like some persons that changed their opinions according as they were in or out of place.

The Duke of *Argyle* taking this reflection to be levelled against him, smartly answered, That for his own part, he followed the ministry when he thought they were in the right; but went a contrary way, if he thought they went astray. This skirmish being over, the second reading of the Bill was put off till the Tuesday following; and the next day it was resolved to address his majesty, that the Articles of War, and other Papers relating to discipline and payment of the army, might be laid before the House.

Feb. 18. The said Bill was, according to order, read a second time, in a very full House; and a motion being made, That the Bill be committed to a committee of the whole House; the same occasioned a great debate.

The Earl of *Oxford* spoke first, and said, That as long as he had breath, he would speak for the liberties of the country, and that he was not only against this bill, because he thought a martial court inconsistent with the rights and privileges of Englishmen, but also against the keeping up so great a number of forces; which being altogether useless in a time of profound peace, could not but raise just apprehensions, that something was intended against our happy and ancient constitution.

The Lord *Stanhope* answered, That the nation has the happiness to be governed by a prince, who, since his accession to the throne, has convinced every body, that he desires no more troops than what are absolutely necessary for the safety and tranquility of his dominions; that whoever will impartially consider the present circumstances of affairs, must own, that the number of troops that are kept on foot is very small; that it cannot be denied, that the Pretender has a great many friends both at home and abroad, who watch all opportunities to foment and take advantage of our intestine divisions: that on the other hand Great Britain stands guarantee for the neutrality of Italy, which is now threatened with an invasion: and therefore it was matter of prudence, as well as of necessity, to keep up a competent force, both to suppress any insurrection at home, or to repel any insult from abroad; and to make good our engagements for maintaining the repose of Europe. Hereupon

* "The Abbot du Bois (the French minister) having desired to be an ocular witness of this important debate, he was admitted, *incognito*, into the House of Commons, a favour which, that day, was refused to several British peers." Political State.

The Earl of *Strafford* said, He was surprized to hear that so great a minister as the lord who spoke last, was not better acquainted with some matters of fact, but that he thought himself obliged to inform the House, that by the Treaty concluded and signed at Utrecht in March 1713, between the ministers of Great Britain and France, the late queen, of glorious memory, was guarantee for the neutrality of Italy, and the islands in the Mediterranean, only during the evacuation of Catalonia, and till the conclusion of a general peace: for the truth of which, his lordship appealed to his colleague in that negotiation, the lord bishop of London. He added, That since that time, the state of things was quite altered, and those in the ministry could best tell, what engagements had been entered into, either with the emperor or France. Hereupon,

The Lord *North and Grey* said, It were necessary to know the contents of those new Treaties, and therefore moved to address his majesty, that the same might be laid before the House.—Which address was agreed to, but was never presented.

The Duke of *Argyle*, who backed the earl of Oxford, said, among other things, That besides the 16,000 and odd men of regular troops, there was another considerable body maintained under the denomination of Invalids, and that they ought to inquire into their numbers, and where they were quartered. To which

Lord *Cadogan* answered, He knew of no invalids but such as were in Chelsea College, or in the neighbourhood.

After this, upon a motion of the duke of Buckingham, that the Bill be committed to a Committee of the whole House the Thursday next; it was carried without dividing.

Accordingly, on that day the order of the day was read, for the House to go into a Committee of the whole House upon the said Bill, but the opposers of the Bill being apprehensive that the court party were stronger in voices, and weaker in Proxies, (which are allowed only in a House) endeavoured to stave off the Bill before it went into a committee. In order thereto the lord Trevor moved, That it be an instruction to the Committee of the whole House, to whom the said Bill was committed, That they do provide, that no punishment shall be inflicted at any court martial, which shall extend to life or limb. Lord Trevor was answered by the lord Stanhope, That such a clause would render the Bill ineffectual, banish all manner of discipline from the army, and consequently render it entirely useless. Thereupon there arose a warm debate, which lasted from two till seven in the evening; in which lord Trevor, lord Bingley, earl of Anglesea, duke of Argyle, earl Poulet, lord North and Grey, duke of Buckingham, earl of Cholmondeley, lord Harcourt, lord Townshend, earl of Abingdon, and earl of Ilay spoke against the Bill; lord Stanhope, earl of Sunderland, lord Onslow, duke of Newcastle, lord Coningsby, lord Cowper, lord Cadogan, and lord Carteret for it.

The Earl of *Anglesea* endeavoured to shew, That so numerous a force as was allowed by this Bill to be maintained in time of peace, was not only dangerous in itself to a free nation, but was yet rendered more dangerous, by their being governed by martial law, a law unknown to our constitution, destructive of our liberties, and not endured by our ancestors. His lordship was answered by

The Earl of *Sunderland*, who urged, That among the ancient Romans, the wisest people in the world, and the greatest lovers and assertors of public liberty, martial laws and discipline were invigorated by decrees of the senate, and were in force in times of peace as well as in times of war.

The Duke of *Argyle* replied, That it was much better to attend domestic than foreign examples; and then shewed by several instances, drawn from the history of Great Britain, that a standing army in the time of peace was ever fatal, either to the prince, or to the nation.

The Lord *Onslow* said thereupon, That those who are vested with the legislative power ought not, on all occasions, to govern themselves by precedents, but rather by the present situation of affairs, because it is very difficult to find examples perfectly agreeing with the various circumstances of times. that, in his opinion, the number of troops which the Commons had thought fit to keep standing, was absolutely necessary for the security and safety both of the government and nation; and thereupon it was no less necessary to make a law, to keep that army within the rules of duty and discipline, unless they would render useless those very forces which must be owned to be necessary.

The Earl *Poulet* enforced what had already been suggested, about the danger of a standing army made subject to martial law.

The Duke of *Newcastle* maintained on the contrary, That the forces now on foot were necessary both for the support of the government, and the protection of our allies; that their lordships ought to consider, that when the late Rebellion broke out, we had double the number of regular troops, and yet the government was obliged, not only to send for some regiments from Ireland, but also for a body of auxiliary troops from Holland; and that since the said forces were necessary, the bill in question, which was only to render them useful, was no less necessary.

The Lord *North* and *Grey* said, That before the noble peer who spoke last was born, he had seen the time, when the nation was in danger of losing their liberties by a Standing Army; and then his lordship endeavoured to shew, that the power of life and death, which by this bill was given to a court martial, was unnecessary, unusual, and unjust.—It being then about five in the evening,

The Duke of *Buckingham* told their lordships, That in his opinion, a great deal of time

had been spent to little purpose: for, if their lordships would enter regularly upon the merits of this bill, they ought to be in a committee, where every lord would have an opportunity to speak as often as he thought fit. Notwithstanding this, the debate still continued, and

The Lord *Harcourt* urged, That the parliament, which is the representative of the whole nation, were ever extreme jealous of the legislative power, with which they are vested; and that the Lords, in a particular manner, ought to be tender of it, because it is a branch of their prerogative to be the supreme court of judicature; but that by this bill, whereby the king was enabled to establish courts martial, with power to try and determine any offences specified in the Articles of War, the parliament vested a sole legislative power in the crown, which was communicated and delegated to a council of war. That this bill sets aside all other laws, both civil and ecclesiastical, in relation to the soldiery; and gives courts martial a larger jurisdiction than seemed necessary for maintaining discipline in the army, such jurisdiction extending not only to mutiny, desertion, and breach of duty, but also to all immoralities, and other offences, which might be committed by any officer or soldier, towards any of his fellow subjects, whereby the law of the land might either be obstructed or superseded by a court martial; that the officers constituting a court martial did, at once, supply the place of judges and jurymen, and ought therefore to be upon their oath, upon their trying any offence whatsoever; whereas it is provided by this bill, that they shall be sworn upon their trying such offences only as are punishable by death. That martial courts assume to themselves an arbitrary and unprecedented authority, of which they had a fresh remarkable instance, an ensign of the guards having been sentenced to death without being heard, which was contrary to Magna Charta, and to the birth-rights and privileges of Englishmen; and therefore they ought to restrain so dangerous a power.

The lord Harcourt was supported by lord viscount Townshend, but was opposed by the lord Conningsby.

Lord *Cowper* said, That he had maturely considered the affair now in agitation, not as a person in a public station, but as a private, unprejudiced man; and that he was convinced in judgment and conscience, that it is necessary both for the support of the present happy establishment, and the security of the nation, to keep up the forces now on foot; and that he was confirmed in this opinion, by considering what thoughts the Pretender and his friends had of this matter, and reflecting, that they have nothing more at heart, than to procure the disbanding of those forces that have suppressed the late unnatural Rebellion: that he doubted not but the whole nobility that made up that august assembly, was invariably attached to his majesty king George; that his majesty had also the best part of the landed, and all the trading interest; that as to the Clergy, he would say nothing —— but that it was notorious, that the majority of the populace had been poisoned, and that the poison was not yet quite expelled: that the dangers which seemed to be apprehended from the present army, may be chimerical, or, at least, easily remedied in any subsequent session of parliament; whereas the dangers with which the nation is threatened from the Pretender and his friends, in case there were no army to oppose them, are real, and the mischiefs that might ensue, upon the success of their designs, irreparable: that if there had been such a standing force as we now have, timely to suppress the Tumults and Riots which were raised soon after his majesty's accession to the throne, in all probability there had been no open rebellion; that, on the other hand, if there had not been troops ready at hand to assist the civil power, in suppressing the late riotous assemblies of the Wool-Combers and Weavers, in the counties of Devon and Somerset, there had, by this time, been another rebellion: That the mentioning Magna Charta was, in his opinion, entirely foreign to the present debate: that the thing now in question, and that wherein they were immediately concerned, was to secure and support the government and the Protestant Succession against vigilant, bold, and restless enemies: and that they had the more reason to be upon their guard, in that the trumpeters of sedition and rebellion had again forcibly intruded into several pulpits in Scotland.

The Earl of Abingdon answered this Speech, and the lord Cadogan having spoken on the contrary side, the earl of Bey, with great eloquence and solidity, supported the lord Trevor's motion, and endeavoured to shew, That a Standing Army in time of peace, would rather increase than lessen the enemies of the government. The lord Carteret replied to him with great vivacity; after which the question was put upon the said motion, and carried in the negative, viz.

Not Content - 76	Content - 52
Proxies - - 15—91	Proxies - 25—77

Protest on rejecting a Clause for providing, That no Punishment, by a Court Martial, shall extend to Life or Limb.] Hereupon the following Protest was entered.

"Dissentient'.

1. "Because the exercise of martial law, in time of peace, with such power as is given by this bill, to inflict punishments extending to Life and Limb, was not in the first year of this reign, nor hath in any former reign been allowed within this kingdom by consent of parliament, but hath, upon many attempts made to introduce such a power, been opposed and condemned by parliament, as repugnant to Magna Charta, and inconsistent with the fundamental rights and liberties of a free people.

2 "Because, after the Peace of Ryswick, and that of Utrecht, in the several reigns of king William and queen Anne, of glorious and ever blessed memories, no such power was

given to any court-martial; and it is well known, that the forces then continued on foot were kept in exact discipline and order.

3. "Because it is not ascertained, either by this Bill, or by any other known law or rule, what words or facts amount to Mutiny or Desertion, or to an exciting, causing or joining in Mutiny; and consequently the judges in a court-martial have it in their power to declare what words or facts they think fit to be mutiny or desertion, and to take away the life of any officer or soldier, by such an arbitrary decision.

4. "Because, should death be thought the proper punishment, in time of peace, for mutiny or desertion, or even for the least disobedience to any lawful command, yet, as we conceive, the nature of such offences ought first to have been ascertained by this bill, and the said offences being declared capital, the trial thereof ought to have been left to the ordinary course of law; in consequence whereof, the officers and soldiers would, upon such trials, have been intitled to all those valuable privileges which are the birth-right of every Briton; nor doth it appear to us, that any inconvenience could thereby have arisen to the public in time of peace, at least, not any such as can justify our depriving the soldiery of those legal rights, which belong to the meanest of their fellow subjects, and even to the vilest of malefactors. W. Ebor', Willoughby de Broke, Rutland, Masham, Harcoort, Bingley, Fr. Roffen', Greenwich, Abingdon, Castleton, Devonshire, Hay, Berkeley of Stratton, Geo. Bristol, Delorraine, Bristol, Lumley, Dartmouth, P. Hereford, Weston, Oxford, Northampton, Joh. London, Poulet, Scarsdale, Gower, Boyle, Compton, Belhaven, Tadcaster, Bute, Trevar, Foley, Mansell, Fr. Cestriens', Strafford, Townshend, Montjoy, Guildford, Bathurst, Nartb and Grey."

Protest against rejecting a Clause to secure the Obedience of the Officers, &c. to the Civil Magistrate.] Then a motion being made, and the question put, That it be an instruction to the said Committee of the whole House, that they do make an effectual provision to secure the Obedience both of the Officers and Soldiers, to be continued by this Bill, to the civil magistrate according to law, it was resolved in the negative, by 88 against 77, viz.

Content - 53	Not Content - 73
Proxies - 24—77	Proxies - - 15—88

"Dissantient'.

1. "Because no provision whatsoever is made by this Bill, for securing the Obedience of the Military to the Civil Power, on which the preservation of our constitution depends.

2. "Because, we conceive, that a great number of armed men governed by Martial-Law, as they have it in their power, so are naturally inclined, not only to disobey, but to insult the authority of the civil magistrate; and we are confirmed in this opinion, as well by the experience of what hath happened here at home, as by the histories of all ages and nations; from which it appears, that wheresoever an effectual provision hath not been made, to secure the obedience of the soldiers to the laws of their country, the military hath constantly subverted and swallowed up the civil power. W. Ebor', Willoughby de Broke, Belhaven, Bute, Bristol, Castleton, Bingley, Foley, Mansell, Guildford, Joh. London, Scarsdale, Dartmouth, Bathurst, Devonshire, Fr. Roffen', Fr. Cestriens', Masham, Lumley, Abingdon, Harcourt, Oxford, Greenwich, Rutland, Weston, Strafford, Tadcaster, North and Grey, Compton, Geo. Bristol, Delorraine, Townshend, Montjoy, Gower, Berkeley of Stratton, Northampton, Hay, Poulet, Trevor, P. Hereford."

February 21. The Lords being in a grand committee, those who opposed the Mutiny-Bill began with raising objections against the preamble of it, which suggests, "That the number of 16,317 men is necessary:" urging, They did not know from whence that necessity should arise, the kingdom being now in full peace, without any just apprehension, either of insurrections at home, or invasions from abroad, and thereupon it was moved, "That the said number of 16,347 men, be reduced to 12,000." Hereupon, there was a great debate, that lasted till about six in the evening, in which the earl of Oxford, lord Trevor, lord Harcourt, earl of Abingdon, earl of Hay, duke of Buckingham, lord Bathurst, lord North and Grey, and the lord bishop of Hereford spoke against the bill; the earl of Sunderland, lord Stanhope, lord Cowper, lord Cadogan, lord Parker, duke of Roxburgh, and lord Conningsby for it.

The Earl of *Oxford* endeavoured to shew, That the keeping up a standing army in time of peace was not the way to gain the hearts, but rather to increase the dissaffection of the people; and that all good and wise princes had ever chosen to depend, rather on the affections of their subjects, than on a military force. This his lordship illustrated by several instances out of our English history, and, in particular, by the fresh examples of the late king William and queen Anne, adding, That none but bad and corrupt ministers have need of troops to maintain their authority and unwarrantable proceedings,

Lord *Stanhope* thereupon spoke in vindication of the present administration, and, from the posture of affairs, both at home and abroad, shewed the necessity of maintaining a greater force than in former times. It being suggested, on this occasion, That it was hoped no minister would advise the king to enter into a war, lord Stanhope readily replied, That he would be the first that should advise him to it, if he thought the honour of the crown concerned in it. Upon this

The Lord *Bathurst* said, he was surprised to hear such an expression from a person in his lordship's station, whose principal care one would think, should be rather to discharge the great burthen which has been left upon the

nation by the two last wars, than to involve it in a new one, which can hardly be maintained without making use of the funds, that have been appropriated for the payment of old debts.

Lord *Cadogan* having represented, That if the army was reduced to 19,000 men, it were impossible upon any emergency, to assemble a body of 4,000 men in any part of Great Britain, besides London, without leaving the sea ports, and other important posts, unguarded.

Lord *Compton* took occasion to suggest, That they ought not to retrench the 4,000 men who were most necessary.

Hereupon, the question being put, Whether the words 'sixteen thousand' should stand part of the clause of the preamble, it was resolved in the affirmative, by 72 voices against 50. After this it being moved, and the question put, That the House in now resumed, it was resolved in the negative, by 74 voices against 48; and then their lordships proceeded to the clause, whereby mutiny and desertion are made punishable by death; and the question being put, whether the words, 'death or', should stand part of the said clause; it was resolved in the affirmative without dividing.

The next day the Lords went again into a grand Committee on the Mutiny Bill; and it was proposed, That in the clause, which obliges judges of a court martial to take an oath, when they try criminals for such crimes as may extend to death, to insert after 'death' the words 'or otherwise.' But the question being put whether these words should be added, it was carried in the negative, by 66 voices against 43. After this it was proposed to leave out the clause, which enables his majesty to constitute and settle Articles of War; and the question being put, whether that clause should stand part of the bill? It was resolved in the affirmative by 68 voices against 50.

Lord *Stanhope* having suggested, That all the objections raised against this bill amounted to no more than bare suppositions of chimerical dangers; and defied any body to charge the administration with any thing that might give just ground of apprehension for the liberties of the people: Adding, that if the government be now obliged to keep a greater number of forces than formerly, it is partly owing to the situation in which the affairs of Europe have been left by the late scandalous peace.

The Earl of *Strafford* thereupon said, He could not be silent while a work in which he had so great a share was so openly attacked; but that the peace which some are pleased to call scandalous, was approved by three successive parliaments, and, in particular, by some peers now in place: that he would venture to affirm, that this very peace had left the affairs of Europe in a better posture than they seem to be in at present, at least with respect to Great Britain; that notwithstanding the great advantages which some boast to have obtained by the late treaties, they have yet found the way to lose our trade to Sweden to endanger that to Spain and Italy: and to keep a standing army in full peace, but that time will shew whether three successive parliaments will approve these measures, as well as the peace which is called infamous. At the same time, his lordship animadverted on the late proclamation, for allowing the importation of Swedish iron from all places other than the dominions of the king of Sweden; which was, in effect, he said, no more than to appoint the Dutch to be our factors for Swedish iron.

Towards seven in the evening, the House was resumed, and the earl of Clarendon reported, That the Committee had gone through the Bill without amendment, upon which it was ordered, That the said Bill be read a third time on the 24th, and the Lords to be summoned.

Protest against passing the Mutiny Bill.] Accordingly, on the 24th the said Bill was read a third time, and the lord North and Grey made a summary recapitulation of the objections raised against it; but the question being put, That this Bill do pass, it was resolved in the affirmative.

Content - 67	Not Content - 40
Proxies - 21—88	Proxies - - 21—61

"Dissentient"

"1. Because the number of 16,347 men is declared necessary by this bill: but as is not therein declared, nor are we able any way to satisfy ourselves, from whence that necessity should arise, the kingdom being now (God be praised) in full peace without any just apprehensions, either of insurrections at home, or invasions from abroad.

"2. Because so numerous a force is near double to what hath ever been allowed within this kingdom, by authority of parliament, in times of public tranquility; and being as we conceive, no ways necessary to support, nay, we fear endanger our constitution, which has never yet been entirely subverted but by a standing army.

"3. Because the charge of keeping up so great a force, ought not unnecessarily to be laid on the nation, already over-burthened with heavy debts; and this charge we conceive to be still more unnecessarily increased, by the great number of officers now kept on the establishment in time of peace; a number far greater (in proportion to that of the soldiers commanded by them) than hath ever yet been thought requisite in times of actual war.

"4. Because such a number of soldiers, dispersed in quarters throughout the kingdom, may occasion great hardships, and become very grievous to the people, and thereby cause or increase their disaffection, and will, probably, ruin many of his majesty's good subjects on whom they shall be quartered, and who have been already by that means greatly impoverished.

"5. Because such a standing army, dangerous in itself to a free people in time of peace, is, in our opinion, rendered yet more dangerous,

by their being made subject to Martial Law; a law unknown to our constitution, destructive of our liberties, not endured by our ancestors, and never mentioned in any of our statutes but in order to condemn it.

"6. Because the officers and soldiers themselves, if as subjected to martial law, are thereby, upon their trials, divested of all those rights and privileges which render the people of this realm the envy of all other nations, and become liable to such hardships and punishments as the lenity and mercy of our known laws utterly disallow, and we cannot but think those persons best prepared, and most easily tempted to strip others of their rights, who have already lost their own.

"7. Because a much larger jurisdiction is given to courts-martial, by this Bill, than, to us, seems necessary for maintaining discipline in the army, such jurisdiction extending not only to mutiny, desertion, breach of duty and disobedience to military commands, but also to all misbehaviour, which may be committed by any officer or soldier towards any of his fellow-subjects; by which means this law of the land, in cases proper to be judged by that alone, may, by the summary method of proceedings in courts-martial, be obstructed or superseded, and many grievous offences may remain unpunished.

"8. Because the officers constituting a court-martial, do at once supply the place of judges and jury-men, and ought therefore, as we conceive, to be sworn upon their trying any offence whatsoever; and yet it is provided by this Bill, that such officers shall be sworn upon their trying such offences only as are punishable by death; which provision we apprehend to be defective and unwarrantable by any precedent, there being no instance within our knowledge, wherein the judges of any court, having cognizance of capital and lesser crimes, are under the obligation of an oath in respect of the one, and not of the other.

"9. Because the Articles of War thought necessary to secure the discipline of the army, in cases unprovided for by this bill, ought, in our opinion, to have been inserted therein, in like manner, as the Articles and Orders for regulating and governing the navy were enacted in the 13th year of king Charles the 2nd, to the end, that due consideration might have been had by parliament of the duty enjoined by each article to the soldiers, and of the measure of their punishment; whereas the sanction of parliament is now given by this Bill to what they have had no opportunity to consider.

"10. Because the clause in this Bill enabling his majesty to establish Articles of War, and erect Courts martial, with power to try and determine any offences to be specified in such Articles and to inflict punishments for the same, within this kingdom in time of peace, doth (as we conceive) in all those instances, vest a sole legislative power in the crown, which power, how safely soever it may be lodged with his present majesty, and how tenderly soever it may be exercised by him, may yet prove of dangerous consequence, should it be drawn into precedent in future reigns.

"11. Because the clause in the Bill, alledged to be made for enabling honest creditors to recover their just debts from soldiers, seems to us rather to give a protection to the soldier than any real advantage to his creditor, or other person having just cause of action against him; it protects the person of a soldier from execution, as well as the Mesne process, for any debt under 10*l.*; and it protects the estate and effects as well as the person of every soldier from all other suits but for debt, where the cause of action doth not amount to the like sum; and in other cases, where the cause of action exceeds that value, plaintiffs are in many instances put under such unreasonable difficulties, that, we conceive, before they can be allowed even to commence their suit, their bare compliance therewith may become more grievous to them than the loss of their debt, or an quiet submission to the wrong sustained, by which means his majesty's good subjects may be highly injured in their properties, and insulted in their persons by the soldiery, and yet be deprived of the legal remedies appointed for the redress of such grievances.

"W. Ebor', Compton, Dartmouth, Hay, Strafford, Boyle, Guilford, Greenwich, Weston, Trevor, Fran. Cestrens', Bute, Lindesaye, Bingley, Scarsdale, Litchfield, Foley, Mansell, Fr. Roffen', Abingdon, Bristol, North and Grey, Harcourt, Bathurst, Gower, Poulet, Northampton, P. Hereford, Montjoy, Oxford*."

Debate on the State of the Trade to Sweden.] Feb. 27. The Commons proceeded to take into consideration the matters of the Petition of several merchants and owners of shipping, and other petitions which had been presented to the House, in relation to the Trade to and from Sweden: and the extracts of the Letters between the Secretaries of State, and his majes-

* "No subject produced so much heat and altercation in parliament during this session, as did the bill for regulating the land forces, and punishing mutiny and desertion: a bill which was looked upon as an encroachment upon the liberties and constitution of England, inasmuch as it established martial law, which wrested from the civil magistrate the cognizance of crimes and misdemeanors committed by the soldiers and officers of the army; a jurisdiction inconsistent with the genius and disposition of the people. The bill passed by a great majority; but divers lords entered a protest."—Smollett.

"As soon as the parliament broke up, the Speakers against the Mutiny-Bill published their speeches, for which they were severely censured by the author of The Crisis, and their speeches boldly examined. The king also, soon after the end of the session, ordered Articles to be published for the Regulation and Government of the Army, pursuant to the power lodged in him by the act."—Tindal.

ty's residents in Holland; and also the Memorials which Mr. Jackson presented to the Regency of Sweden, and the Answers to them, were read: after which Mr Jackson being called in, Mr Craggs asked him, whether he was of opinion, That if the trade were opened with Sweden, the merchants would be upon a better foot than they are at present? Mr. Jackson answered, "That, in his opinion, the contrary would happen: for now that the Swedes are distressed for want of our commodities, particularly corn and salt, they are inclined to facilitate to us, underhand, the purchase of their iron; whereas if the prohibition of trade with them was taken off, they would immediately provide themselves with what they want, and knowing at the same time, that there are amongst us a set of men, who make it their study and business to embarrass the government, the court of Sweden would be more stiff than ever, and render the purchase of their iron more difficult to us."

Some members being offended at Mr. Jackson's expression, viz. "A set of men," cried out, "Custody, Custody." But the more moderate contented themselves with putting him upon explaining himself; hereupon, Mr. Jackson replied, "That he meant the Merchants who presented unreasonable petitions." This being by some looked upon rather as an aggravation than an excuse, the cry of "Custody, Custody," was repeated; but

Mr. *R. Walpole* brought him off, by suggesting, "That that gentleman had lived so long in a despotic government, where Petitions and Representations of that nature, are accounted capital crimes, that he had forgot the rights and privileges of his countrymen;" and therefore moved, that his ungoarded expressions might be excused. Nobody opposing Mr. Walpole, Mr. Jackson withdrew. Then the Petitioners, and some other merchants being called in, and farther heard, they represented among other particulars, "That since the prohibition of trade with Swaden, they bought Swedish iron of the Dutch 4*l.* per ton dearer than before; and that whereas the English were formerly, about 30,000*l.* per annum, gainers by the trade with Sweden, they now lost about 90,000*l.*" But this was contradicted by Mr. Craggs, who suggested, "That the exports from Stockholm for England had never amounted to 120,000*l.* in one year, and therefore the difference of the profit and loss could not come up to this last sum." The merchants being withdrawn,

Mr. *Heysham* spoke in their favour, and made a motion, upon which the question was proposed, That an Address be presented to his majesty, to take into his consideration the State of the Trade with Sweden, and that such measures might be taken, that his majesty's subjects, and those of his allies, might carry on the said trade in the same manner. Hereupon there arose a warm debate, in which

Mr. *Craggs* represented, That such an address would be derogatory to the king's honour, and even a reflection on the parliament, who had desired his majesty to prohibit all commerce with Sweden; and that on the other hand, such an Address was altogether needless, since his majesty's wisdom would not fail to apply all proper remedies to the evil that was complained of. Hereupon

Sir *William Wyndham* said, That the prohibition of trade with Sweden having been thought convenient, when there was some grounds to fear an invasion from thence; now that apprehension was entirely over, it would be no reflection either upon the king or his parliament, to take off the said prohibition; and that he wondered we should distress and endeavour to ruin a prince and nation, who have ever been the support of the Protestant interest, and whom, by treaties, we stand obliged to defend and protect.

After this it was resolved by a majority of 201 votes against 111, to adjourn the debate till that day month.

Debate in the Lords on the Forfeited Estates' Bill.] March 4 The Lords read the first time, the Bill 'for vesting the Forfeited 'Estates, in Great Britain and Ireland, in 'trustees, to be sold for the Use of the 'public;' and a motion being made, and the question put, That the said Bill be read a second time. The lord North and Grey spoke against the excessive power, which, by this Bill was given to the trustees, whereby abundance of families might be oppressed and ruined; and his lordship was seconded by the lords Trevor and Harcourt, and the duke of Argyle, who urged, That this Bill by leaving the claims to the Forfeited Estates to the final determination of the trustees, not only clashed with the Act of Union, in that it suspended and set aside, in that respect, the courts of judicature in North Britain, which, by the said Act, ought to remain entire; but was likewise derogatory to the privileges and authority of the House of Peers, who are supreme judges in all civil causes. It was also alleged, That by the method that had been followed, the public would get little or nothing by the forfeitures; whereas, if the scheme proposed by sir David Dalrymple had been pursued, the same would have yielded considerable sums, without any oppression to the subject. The earl of Sunderland, the lords Stanhope, Parker, and Coningsby, answered the objections raised against the bill; and it was, at last, resolved, That the same should be read a second time; and that a Message be sent to the Commons, to acquaint them, "That their lordships, having under their consideration the Bill for vesting the Forfeited Estates of Great Britain and Ireland, in trustees, to be sold for the use of the public, they did desire that the Commons would give leave, that such of the commissioners of enquiry, who were members of that House, as also sir David Dalrymple, his majesty's advocate-general of Scotland, might attend their lordships' House, on Thursday morning next."

next day, the Commons proceeded to the Message before-mentioned into and appointed a Committee, to precedents with relation to the said ... reporting to the Commons by the report of that Committee, that the like desire of the Lords had on some occasions been complied with, but at other times denied; the Commons, who were resolved to follow the precedents for the latter, lest the Lords should make alterations in a Money Bill, put off the considerations of the said report to the first sitting. Hereupon the Lords, who had ordered a messenger from the Commons to attend the occasion, proceeded to the second reading of the Bill; and it being moved, that the said Bill be committed, it occasioned a great debate. The lord Harcourt, the earl of Hay, and the duke of Argyle urged several reasons against the bill, and were answered by the lords Cowper, Stanhope, and Coningsby; and after some other speeches for and against, the question being put, upon the motion before mentioned, it was carried in the affirmative by 80 votes and proxies, against 73, and resolved, That the said Bill be referred to a Committee of the whole House the Saturday next following. In the mean time the Commons having met again on the 7th of March, read only a Petition of the Tanners, in the county of Brecon, and then immediately adjourned till the 10th, to avoid taking into further consideration either the Lords' Message, or the Report of their own Committee about Precedents.

Debate in the Lords on a Bill for rebuilding St. Giles's Church.] March 8. There was a great debate in the Lords, upon the third reading of a Bill from the Commons, intituled, 'An 'Act to impower the Commissioners, appointed 'to put in execution the act for building 'fifty new Churches in London and West-'minster, to direct the parish church of St. 'Giles's in the Fields, in the county of Mid-'dlesex, to be rebuilt, instead of one of the 'said Fifty new Churches.' The archbishop of York, and some other prelates, strenuously opposed this Bill, urging, "That the same was a misapplication of money already granted by parliament for a pious use."

Protest on refusing to add, 'of pious me-'mory,' after the Name of Queen Anne, in the Preamble of the Bill.] It was also proposed, That, in the preamble of the said Bill, the words 'of pious memory,' should be added after the name of the late queen, but it was carried in the negative by 54 voices against 33

" Dissentient,

" Because we cannot but judge these words, 'of pious memory,' highly decent and proper to have been inserted in a bill, reciting two pious and gracious acts of parliament, passed in the reign of her late majesty, for rebuilding of fifty new churches: a work earnestly recommended by her majesty to her parliament, and by them declared to be so much to the honour of God, the spiritual welfare of her majesty's subjects, the interest of the established church, and the glory of her majesty's reign. —W Ebor', Irm Cestriens', Compton, Willoughby de Broke, Buckingham,' Poulett, Stratford, Joh. London, George Bristol, Boyle, Masham, Fr. Roffen', Foley, P. Hereford, North and Grey, Mansell, Berkeley of Stratton, Oxford, Bathurst."

Protest against passing the said Bill.] Then after further debate, the question was put, whether this Bill shall pass? It was resolved in the affirmative.

Contents - 49	Not Contents 38
Proxies - - 21—70	Proxies - - 25—63

" Dissentient'

1 " Because it doth not appear to us from any declaration in his majesty's name to either House of Parliament, that his royal leave was given for bringing in the said bill, as, we humbly conceive, it ought to have been, for bringing in a bill of this nature.

2. " Because this Bill, in our opinion, manifestly tends to defeat the ends and purposes of two acts of parliament for building Fifty new Churches, and yet at the same time asserts that the intention of the said acts would be hereby answered.

3. " Because this Bill farther asserts, That the parish of St Giles's is in no condition to raise or pay the sum of 3,000*l.* and upwards, for the repair of its parish church; which we apprehend to be evidently false in fact, and if true, to be no reason for rebuilding the said church out of the fund given for building Fifty new Churches

4. " Because this bill moreover asserts, That the said Parish-church, when rebuilt, and the church which is now building in the said parish, by virtue of the acts for building fifty new churches, will be sufficient for the inhabitants of the said parish; whereas we are credibly informed, and, upon the best calculation, do believe, that there are about 40,000 souls in the said parish, and do think, that three new churches, together with the present parish-church, will be barely sufficient for that number.

5 " Because if this precedent for rebuilding old churches, out of the fund appropriated for building new ones, should be followed, and the ends of the abovesaid acts should be thereby in any great measure defeated, we are apprehensive, that many thousands of his majesty's good subjects in and about these populous cities will be left unprovided of churches, whereunto they may resort for the public worship of God, and will thereby remain destitute of the necessary means of being instructed in the true Christian religion, as it is now professed in the church of England, and established by the laws of this realm —W Ebor', Geo. Bristol, Willoughby de Broke, Berkeley of Stratton, Fr. Roffen', Mansell, Joh. London, Stratford, Bathurst, Poulett, Ir Cestriens', Oxford, P Hereford, North and Grey, Masham, Foley, Boyle."

Protest against passing the Forfeited Estates' Bill.] March 11. The Lords, in a grand committee, read the third time the bill for vesting the Forfeited Estates in trustees, to be sold for the use of the public, and for giving relief to lawful creditors, by determining the claims, and for the more effectual bringing into the respective exchequers, the rents and profits of the estates till sold. And a motion being made, that the bill do pass, it was carried in the affirmative, by 32 against 76.

Contents - 55	Not Contents 45
Proxies - - 37—92.	Proxies - - 31—76.

"Dissentient',

1 "Because, we humbly conceive, that the charges of this commission are a very great and unnecessary burthen on the public, and will swallow up a great part of that fund the commissioners are appointed to be guardians of; whereas the ends of that trust, which is lodged in them by this bill, might have been more easily, more justly, and with less expence, attained by the known and ordinary course of the law.

2 "Because there is erected in this bill a court of judicature with strange and new powers, viz. in a summary way, and without the formality of proceedings in the courts of law or equity, to proceed by, and upon the testimony of witnesses upon oath, examination of persons claiming, or otherwise interested, upon their oaths; inspection and examination of deeds, writings and records; and by all or any of the said ways and means, or otherwise, according to the circumstances of the case, or of the persons claiming, as soon as conveniently may be, to hear, determine and adjudge all and every claim and claims: Which words seem to contain the most arbitrary and unlimited authority that can possibly be created; and in particular, the expression concerning the circumstances of the persons is not only unknown to our laws, but prescribes a rule which was never yet thought to be a proper ingredient in the impartial administration of justice.

3. "Because there is in this bill a penalty laid on the witnesses who shall forswear themselves to support any claim, but no punishment inflicted on those who shall make false oaths in order to defeat any just demand.

4 "Because there is nothing in this bill which incapacitates the commissioners, or any in trust for them, to purchase claims on the Forfeited Estates; and yet in case they should make such purchases, they will become both judges and parties in the same cause, and consequently be exposed to temptations of a great and dangerous nature

5. "Because the reversing and making void all acts and decrees of any court of judicature, passed since the 24th day of June, 1715, concerning any right, charge or interest out of any of the Forfeited Estates, and the not saving to all creditors and other claimants such right as they had before the passing this bill, does greatly endanger, if not totally make void the just demands of such creditors or other claimants, which they have not only in many cases a right to by the ancient laws of their country, but which are secured to them (at least in that part of Great Britain called Scotland) by the faith of an act of parliament, as a future reward of their dutiful and loyal behaviour to his majesty and his government, when the nation was threatened with the greatest dangers; which reward has been confirmed to them by a subsequent act.

6. "Because the time of entering claims on Estates forfeited, or to be forfeited before the 24th of June, 1715, is allowed no further than to the 1st of June in the said year; whereby all creditors, claimants, and *bona fide* purchasers of estates, which may be forfeited between the 1st and 24th of June aforesaid, are absolutely and expressly barred and excluded.

7. "Because the setting up a new court of judicature for claims on Forfeited Estates, in any part of Great Britain, is wholly unprecedented, and the privileges and jurisdiction of this House are thereby diminished and endangered, but much more so, by the reversing decrees of courts of judicature already made, which, whether they are erroneous or legal, ought (as the constitution of this kingdom now is, and hath hitherto been) to be reviewed, reversed, or affirmed by no other jurisdiction whatsoever, but that which is inherent in the House of Lords.

8. "Because the court of session is by this bill discharged from exercising their lawful jurisdiction, notwithstanding that the foundation of the constitution of the united kingdom of Great Britain is the articles of the Union; wherein it is expressly stipulated, That the court of session shall remain in all time coming as it was then constituted, with the same authority and privileges as before the Union; and though the said court was subjected to regulation, for the better administration of justice, yet the jurisdiction of it was in no case to be totally extinguished.

9. "Because the erecting new jurisdictions with such indefinite powers, exclusive of the House of Lords, the making void or endangering the rights of great numbers of lawful creditors or other claimants, secured to them by the laws, and the depriving the courts of justice of their judicature as aforesaid, we humbly apprehend, cannot but raise the highest discontents in the minds of his majesty's subjects. Buckingham, Strafford, Poulett, Geo. Bristol, Bathurst, Willoughby de Broke, Deloraine, Trevor, Oxford, Plymouth, North and Grey, Mansell, Tr. Rolle', Northampton, Compton, Tadcaster, Guilford, Hay, Greenwich, Boyle, Weston, Litchfield, Belhaven, Foley, Masham, Montjoy."

Protest against the Bill for erecting Work-Houses at Bristol.] March 17 A Bill for the better explaining several acts, therein mentioned, for erecting of Hospitals and Work-houses within the city of Bristol, for the employing

and maintaining the poor thereof, and for making the said acts more effectual, being read the third time, and the question being put, That the bill do pass, it was carried in the affirmative by 58 against 22.

"Dissentient',

1 "Because the comprehensive latitude of this bill is such, that all persons without discrimination, whether well or ill affected to our constitution in church and state, papists as well as protestants, nonjurors as well as those who take the oaths, jews as well as christians, are all alike capable of being admitted into the corporation to which this bill refers; and of sharing all the trusts and powers lodged in the members thereof

2. "Because this bill, whilst it complains of the difficulty of finding a sufficient number of proper and well qualified persons to be elected and constituted guardians and officers of the said corporation, and, to avoid that pretended difficulty, lets in dissenters, doth at the same time shut out seventeen church-wardens, who, by a former act, were incorporated therein, and who, by the constitution, have the care of the poor in a special manner intrusted with them.

3. "Because this bill repeals a law, by which the dissenters were excluded from places and offices in this corporation, and this repeal may hereafter be made use of as a precedent for abrogating other laws, as yet in force, in order to the admission of dissenters into all places and offices whatsoever.

4 "Because this bill, by exempting guardians and officers therein mentioned from the penalties and forfeitures of the corporation and test acts, doth, in our opinion, very much weaken the force of those acts, which are declared by the legislature to have been made for the security of the church of England, as by law established, and, as such, are, we conceive, ratified and made perpetual by that clause in the Act of Union, which enacts, That the act for the ministers of the church of England to be of sound religion, and the act for uniformity, and all and singular other acts of parliament then in force, for the establishment and preservation of the church of England, shall remain and be in full force for ever. Geo. Bristol, Hay, Strafford, Buthurst, Fr. Roffen', Mansell, Jonat. Winton', Joh. London, Montjoy, Compton, Oxford, Boyle, Weston."

The King's Message for an Additional Number of Seamen] March 17. Mr. Comptroller Boscawen acquainted the House, That he had a Message to the House signed by his majesty: which was read as follows.

"G. R.

"His majesty being at present engaged in several negotiations of the utmost concern to the welfare of these kingdoms, and the tranquility of Europe; and having lately received information from abroad, which makes him judge that it will give weight to his endeavours, if a naval force be employed where it shall be necessary, does think fit to acquaint this House therewith; not doubting but that in case he should be obliged, at this critical juncture, to exceed the number of men granted this year for the Sea-Service, the House will at their next meeting, provide for such exceeding."

Upon this, Sir William Strickland moved, "That an Address be presented to his majesty, to return his majesty the thanks of this House, for his unwearied endeavours to promote the welfare of his kingdoms, and to preserve the tranquility of Europe; and to assure his majesty, that this House will make good such exceedings of men for the Sea-Service of the year 1718, as his majesty in his royal wisdom shall find necessary to obtain those desirable ends." This motion, being seconded and the question put thereupon, was carried without dividing.—It is remarkable, that the Spanish embassador having about this time expostulated concerning the great preparations for sending a Fleet into the Mediterranean, Mr. Walpole said, That such an Address had all the air of a declaration of war against Spain.

March 18. Mr. Boscawen acquainted the House, "That their Address had been presented to his majesty; and that he was commanded by his majesty to return his majesty's hearty thanks to this House, and to assure them, that his majesty shall think himself obliged, in return of the great confidence they have reposed in him, not only to use the utmost œconomy that shall be consistent with the real interest of his subjects for this ensuing year; but likewise to apply his most earnest endeavours to prevent future burthens to his people, by establishing a lasting peace and tranquility."

The King's Speech at the Close of the Session.] March 21. This day, the King came to the House of Peers, and the Commons being sent for and attending, his majesty gave the royal assent to several Bills. After which, his Majesty was pleased to say;

"My Lords, and Gentlemen;

"I have commanded my Lord Chancellor to deliver, in my name and words, what I think fit should be said to you, on my putting an end to this session of parliament."

And then the Lord Chancellor read his majesty's Speech as follows:

"My Lords, and Gentlemen;

"I cannot put an end to this session, without returning my hearty thanks to so good a parliament, for the dispatch which has been given to the public business. You will, I hope, in your private capacities, feel the convenience of an early recess; and, I am persuaded, the public will receive great benefit by the seasonable zeal and vigour of your resolutions in support of my government.

"Nothing can add so much to the credit and influence of this crown both at home and abroad, as the repeated instances of your affection to me. This steadiness and resolution of yours

will, I hope, enable me to procure, against your next meeting, such Treaties to be concluded, as will settle peace and tranquillity among our neighbours.

"If through the blessing of God my endeavours to this end prove successful, I shall have the satisfaction to silence even those who will never own themselves convinced, and to let all the world see plainly, that what I have most at heart, is the good and welfare of my people, who may then be eased in their taxes, and enriched by their Trade.

"Gentlemen of the House of Commons,

"I must return you my particular thanks for the Supplies you have so cheerfully granted, and for the late instance of your confidence in me. I promise you, that my endeavours shall not be wanting to make use of both to the best advantage for the good of my people.

"My Lords and Gentlemen;

"The practices which are daily used by a most restless and unhappy set of men, to disturb a government by whose clemency they are protected, require our utmost attention and vigilance. I must therefore recommend it to you, that in your several stations and countries, you will endeavour to quell that spirit of disaffection, which our common enemies are so industrious to foment."

Then the Lord Chancellor prorogued the Parliament to the 20th of May,* after which it was further prorogued to the 11th of November.

FOURTH SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] November 11. This day the King came in the House of Peers, and the Commons attending, his majesty delivered the following Speech into the hands of the Lord Chancellor, (Parker*) who read the same to both Houses:

"My Lords and Gentlemen;

"Since your last recess, I have, by the blessing of Almighty God, concluded such terms and conditions of peace and alliance between the greatest princes of Europe, as will, in all human appearance, induce others to follow their example, and make any attempts to disturb the public tranquillity not only dangerous but impracticable.

"These engagements, I am persuaded, will be so much the more agreeable to all my good subjects, as they bind the contracting powers to support the Succession to these kingdoms in my family, in which some were not at all, and others not so fully bound by my former treaties.

"During the whole course of these negocia-

* "About this time there were some changes in the Ministry. Sir Edward Northey was removed, and Mr. Lechmere was made Attorney General in his room. The earl of Sunderland was made President of the Council and first Commissioner of the Treasury. The other commissioners were Aislabie, Wallop, Baillie, and Clayton. Mr. Cragga and the lord Stanhope (who and lord Cadogan were soon after created earls) were appointed secretaries of state. The earl of Berkley was placed at the head of the Admiralty, with sir George Byng, sir John Jennings, Mr. Cockburne, Mr. Chetwynd, sir John Norris, and sir Charles Wager. The earl of Holderness was made first commissioner of the Board of Trade. In April, the Lord Chancellor Cowper (who had been made an earl) resigned the great seal, and went immediately into the country. Though it had been reported some months that he desired to retire, yet his resigning his employment at that juncture, was a great surprize to the public, and no small grief to all unprejudiced persons. The judges Tracy, Prat, and Mountague, were made commissioners of the great seal; but, about a month after, the lord Parker was made High-Chancellor." Tindal.

* "Thomas Parker was born in 1667, and if not a native was long a resident at Derby, where he followed the profession of an attorney. Abilities and interest procured him practice, that practice brought money, and money consequence. These united introduced him into the office of Recorder, which opened a wider field for his talents. He soon became a pleader at the bar, travelled the midland circuit, acquired additional estimation, was denominated the 'silver-tongued counsel,' and found interest enough in 1705, to cause himself to be returned a member for the borough of Derby with lord James Cavendish. Having now ascended into a political atmosphere, where his talents beamed with more diffusive brightness, he made rapid advances towards preferment. He was knighted in 1705, and appointed queen's serjeant. The Commons, sensible of his powers, chose him one of their managers in the trial of Dr. Sacheverell, which he conducted with great ability. In 1710, he was made Lord Chief Justice of the King's Bench; and refused the Chancellor's seals because his sentiments did not coincide with those of the Harleian ministry. He was created baron Parker in 1716, viscount Parker of Ewelme, in 1718, and then accepted the Seals. In 1721, he was further created earl of Macclesfield, and continued Lord Chancellor till 1725, when he was accused of selling places in Chancery, brought to trial, and fined 30,000*l.* The king called for the council book, and with a sigh dashed out his name. Unhappily for his lordship, party rage ran high, and a brand was fixed upon his name which never wore out. It must be presumed, however, that the charges were fully proved, as out of 93 peers who gave judgment, there was not one who pronounced 'Not Guilty.' He retired during the last eight years of his life to Derby, where he resigned his earthly existence, April 28, 1732." Orford's Royal and Noble Authors. Park's edit. vol. iv. p. 145.

tions, a most strict regard has been had to the interests of Spain; and better conditions have been stipulated for that king, than were insisted upon in his behalf even at the Treaty of Utrecht; but the war in Hungary, which by our mediation is since happily ended, having tempted the court of Spain unjustly to attack the emperor, and the hopes they have since conceived of raising disturbances in Great Britain, France, and elsewhere, having encouraged them to believe, that we should not be able to act in pursuance of our Treaties, for the defence of the dominions invaded by them, nor even to support those other essential and necessary conditions of the Treaty of Utrecht, which provide against the great monarchies of Europe being at any time hereafter united under one sovereign, they have not only persisted in such a notorious violation of the public peace and tranquility, but have rejected all our amicable proposals, and have broke through their most solemn engagements for the security of our commerce.

"To vindicate therefore the faith of our former Treaties, as well as to maintain those which we lately made, and to protect and defend the trade of my subjects, which has in every branch been violently and unjustly oppressed, it became necessary for our naval forces to check their progress. It was reasonable to hope, that the success of our arms, the repeated offers of friendship, which I have never ceased to make in the most pressing manner, and the measures taken in concert with the Emperor and the most Christian king, to restore the public tranquility, would have produced a better disposition in the court of Spain; but I have received informations, that instead of listening to our reasonable terms of accommodation, that court has lately given orders at all the ports of Spain and of the West Indies, to fit out privateers, and to take our ships.

"I am persuaded that a British parliament will enable me to resent such treatment, as becomes us: and it is with pleasure that I can assure you of the ready and friendly resolutions of our good brother the Regent of France, to concur and join with me in the most vigorous measures.

"The firm confidence I repose in the affection of my people, together with my earnest desire to ease them of every charge not absolutely necessary, determined me, immediately after the exchange of the ratifications of our great alliance, to make a very considerable reduction of our land-forces; nor could I better express, than by so doing, how little we apprehend the attempts of our enemies to disturb the peace of my kingdoms, even though Spain should think fit to continue some time in war. Our naval force employed in concert with our allies, will, I trust in God, soon put a happy end to the troubles which the ambitious views of that court have begun, and secure to my subjects the execution of the many treaties in force relating to our commerce.

"Gentlemen of the House of Commons;

"I must desire you to grant me such Supplies, as will enable me to carry on the service of the year. I have given orders to have the proper Estimates laid before you, whereby you will perceive I have reduced the expence as much as circumstances will well admit. I have the pleasure to observe to you that the funds appropriated for sinking the public debts, have answered above expectation. I must however recommend to you to consider of proper methods for improving them, by preventing the Frauds and Abuses daily committed in the public Revenues, not doubting in all your proceedings you will have that regard to the inviolable preservation of the public credit, which may quiet the minds of all those that have trusted to parliamentary engagements.

"My Lords and Gentlemen,

"There never was a time when your unanimity, your vigour, and dispatch, were more necessary to so many good ends, as those we have now in view. I have done my part. It remains with you to give the last finishing to this great work. Our friends and our enemies, both at home and abroad, are waiting the event of your resolutions. and I dare promise myself that the first have nothing to apprehend, nor the others to hope, from your conduct in this important juncture, who have, during the whole course of my reign, given such lively proofs of your zeal and affection to my person, and of your love to your country."

Debate in the Lords on the Address of Thanks.] The King being withdrawn, and the Commons returned to their House, the lord Carteret moved for an Address of Thanks to his majesty, for his care in preserving the public peace, and the balance of power in Europe; for the considerable reduction of the land-forces; and for having obtained so great and farther securities of the Succession to these kingdoms in his royal family; as also to congratulate the seasonable success of his majesty's naval forces; and to assure him, that the House would support him in the pursuit of those prudent and necessary measures he had taken to secure the trade and quiet of these kingdoms, and the tranquility of Europe. He was seconded by the lord Tenham, but several lords excepted against the congratulating his majesty upon the seasonable success of his Naval Forces, and the promising to support him in the pursuit of those prudent and necessary measures he had taken, because it was, in effect, to approve a sea-fight which might be attended with dangerous consequences, and give the sanction of that august assembly to measures, which, upon examination, might appear either to clash with the laws of nations, and former treaties, or to be prejudicial to the trade of Great Britain; that according to the constant usage of that House, they ought to proceed with the utmost caution and maturest deliberation in an affair, wherein the honour, and interest of the nation were so highly concerned.

Lord Strafford insisted, That before they approved the sea-fight, they ought to be satisfied whether the same happened before or after the signing of the Quadruple Alliance, and therefore moved for an Address that sir George Byng's instructions might be laid before the House. To this it was answered by

Lord *Stanhope*, That there was an manner of occasion for such an Address, since, by his majesty's command, he had already laid before the House the Treatise of which the late Sea-Fight was a consequence, and in particular the treaty for a defensive Alliance between the emperor and his majesty, made at Westminster the 25th of May, 1716; and the treaty of alliance for restoring and settling the public peace, signed at London the 22d of July, O. S. After this his lordship accounted at large for the justice and equity of those Treaties, which were mainly calculated to preserve, restore and settle the peace of Europe, by rendering the treaty of Utrecht effectual, particularly in preventing the union of the two great monarchies of France and Spain, under one sovereign, and in securing the succession of these kingdoms to his majesty's royal family. At the same time, his lordship shewed how the court of Spain had violated the treaty of Utrecht, and acted against the public faith in attacking the emperor's dominions, while he was engaged in a war against the enemies of Christendom, and in what manner they had rejected his majesty's friendly offices, and repeated offers of mediating an accommodation between the emperor and the catholic majesty. To which purpose his lordship gave the House an account of his late journey to, and negociations in, Spain. He added, That it was high time for Great Britain to check the growth of the naval power of Spain, in order to protect and secure the trade of the British subjects, which had been violently oppressed by the Spaniards; to which purpose several letters were read: concluding, that both with relation to sir George Byng's instructions, and in all other respects, in this whole affair, his majesty had acted by the advice of his privy council, that he was one of that number; and he thought it an honour to have advised his majesty to these measures, because he was persuaded they entirely agreed with the honour and interest of his country; that he doubted not, but, upon the strictest examination, these measures would be approved of by all true Englishmen; and that he was ready to answer for them with his head.

This speech delivered with becoming vehemence, made a great impression on the whole assembly, and though several peers still urged, that the making war before the declaring of it, was a manifest violation of the law of nations; and others raised less material objections; yet the question being put upon the lord Carteret's motion, the same was carried in the affirmative by 83 voices against 50. The Speakers for the Address were the lords Carteret and Tenham, and the earls of Sunderland and Stanhope, and on the other side, the dukes of Buckingham, Devonshire, and Argyle, the earls of Nottingham, Cowper, Oxford, and Ilay, the lords North and and Grey, and Harcourt.

The Lords' Address of Thanks.] Nov. 13. The Lords presented their Address to his Majesty, as follows:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, do return your majesty our humble thanks for your most gracious speech from the throne: and desire to express to your majesty the true sense this House has of your care in preserving the public peace, and the just balance of power, in Europe; and of the tender regard which your majesty has shewn for the trade of your subjects. The considerable reduction of the Land Forces which your majesty has made at this time, must fully satisfy all your subjects, that you will never desire the continuance of more troops than what are absolutely necessary for their safety. In a most particular manner we thank your majesty, for having obtained such great and further securities of the Succession to these kingdoms in your royal family, as will, under the blessing of God, perpetuate the Protestant Succession undisturbed. We most heartily congratulate your majesty upon the seasonable success of your naval Forces; and beg leave to assure your majesty that this House will, to the utmost of their power, stand by, and support your majesty, in the vigorous pursuit of those prudent and necessary measures your majesty has taken, to secure the trade and quiet of these kingdoms, and the tranquility of Europe."

The King's Answer.] His Majesty returned this answer:

"My Lords;

"I thank you for this Address, so full of duty to me, and affection to your country. I cannot doubt but my endeavours, for the happiness of my people and the tranquility of Europe, will attain the ends proposed, when the enemies to both shall see me supported therein by this House with so much warmth and zeal."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House, Mr. Craggs, by his majesty's command, presented to the House copies, in Latin, of several Treaties, with a List of them; and the title of the copies of the said Treaties were read, and then the lord Hinchinbroke moved, "That an humble Address be presented to his majesty, returning the thanks of the House for his most gracious Speech from the throne, and for the many and great instances which he has therein given to his people, of his constant endeavours for their security and welfare; That the House has entire satisfaction in those measures which his majesty has already taken for strengthening the Protestant Succession, and establishing a lasting tranquility in Europe; and particularly in relation to the crown of Spain; and is resolved to enable his majesty,

in concurrence with his allies, not only to repent the injuries that crown has already done to the commerce of these kingdoms, in breach of the treaties subsisting between the two nations, but will likewise support him, in the most vigorous and effectual manner, in such farther measures as his majesty shall judge necessary to complete the public tranquility, and to check the growth of that naval power, which must otherwise prove dangerous to the trade of these kingdoms, and to the repose of Europe."

The lord Hinchingbroke was backed by the lord Tyrconnel, sir David Dalrymple, Mr. Lechmere, Mr. Cragg, Mr. John Smith, sir Gilbert Heathcote, sir Wilfred Lawson, Mr. Hampden, Mr. Arslabie, Mr. Boscawen, and colonel Bladen; but the motion being opposed by Mr. Freeman, Mr Heysham, Mr. Walpole, Mr. Snell, Mr. Hungerford, Mr. Herne, sir Joseph Jekyll, Mr. Cowper, sir William Wyndham, Mr Shippen, lord Molesworth, and general Ross, a warm debate ensued.

The Country Party strenuously objected against the words, 'entire satisfaction in those 'measures which his majesty had already 'taken.' In order therefore to have these words left out of the Address, it was alledged in the first place, That it was unparliamentary and unprecedented, on the first day of a session to enter upon particulars: That the business in question being of the highest importance, viz. peace or war, deserved the maturest deliberation: That before they approved of the measures that had been taken, they ought to examine the Treatres, and the reasons on which those measures were founded, which must needs take up some time; and therefore they ought, for the present, according to the usual custom, to content themselves with returning his majesty their thanks for his Speech, with general assurances of their zeal and affection for his majesty's person and government, and then appoint a day to take the said Speech into consideration.

To this the Courtiers answered, that though all applications from the House to the throne differed according to the various circumstances of affairs, yet there were not wanting precedents to support the expressions excepted against, of which some instances were produced; That the measures that had been taken, were grounded on Treaties that had been laid before them, and which ought be examined into as soon as the House thought fit; but that it was necessary, at this critical juncture, when the eyes of all Europe were fixed on this parliament, early to come to a vigorous resolution, which would not fail having its due weight abroad. This was warmly opposed by

Mr. *R. Walpole*, who urged, That it was against the common rules of prudence, and the methods of proceeding in that House, to approve a thing before they knew what it was That he was thoroughly convinced of, and as ready as any person in that assembly, to acknowledge his majesty's great care for the general peace of Europe, and the interest of Great Britain; but that the giving approbation, in the manner proposed, to the late measures, could have no other view, than to screen ministers, who were conscious of having done something amiss, and, who having begun a war against Spain, would now make it the parliament's war; concluding, that instead of an entire satisfaction, they ought to shew their entire dissatisfaction with a conduct that was contrary to the laws of nations, and a breach of solemn treaties. Upon this

Mr. *Craggs* gave the House an account of the measures which the king and his ministers had pursued for restoring and securing the tranquility of Europe, and said, That upon that view a Treaty of defensive alliance between his majesty and the emperor had been signed in May 1716, and by that very gentleman, then in a high station, who now excepted against these measures: That, at the same time, his majesty sincerely desired and endeavoured to maintain a perfect friendship with the king of Spain, and had even proposed a defensive alliance to him, before he made one with any other power: That notwithstanding the engagements his majesty was under, to guaranty the neutrality of Italy, and to defend the emperor in the possession of his dominions, which, upon the invasion of Sardinia, might have justified his majesty's assisting his imperial majesty against Spain, yet the king chose rather to act as a friendly mediator, and, in concert with the regent of France, endeavoured to find out means of reconciling the interests of the emperor and of the king of Spain, as the only way to put a stop to the war that threatened Italy, and in which all Europe might be involved: that the Catholic king was often solicited by the British ministers at Madrid, to concur with his majesty's good intentions, and to give such instructions to the Spanish minister here, as would put it in his majesty's power to stand up for the interest and advantages of Spain in the ensuing negotiations: that the Catholic king having declined to concert measures with Great Britain, and demanding, in general, satisfaction for the breaches he pretended the emperor had made upon the Treaty of Utrecht, the balance of power in Europe, and the security and liberty of the princes and states of Italy, all that his majesty, with the regent's assistance, could do, was to obtain of the emperor such conditions as were thought most agreeable to his catholic majesty; to wit, an absolute renunciation of the monarchy of Spain and the Indies, and a very considerable settlement in Italy for a prince of Spain, particularly the great duchy of Tuscany: that as the emperor's pretensions to Sicily were the principal reasons of his opposing the Treaty of Utrecht, from which he could not afterwards be brought off by the Treaty of Baden, it became necessary, towards an accommodation, to dispose of that island in favour of his imperial majesty, of whom, upon that consideration, his majesty and the regent of France obtained the disposition of Sardinia in favour of the king of Sicily: that these were the principal Articles of

the Treaty of Alliance, for restoring and settling the public peace, commonly called the Quadruple Alliance, which was a long while depending, and at last signed here, on the 22d of July, 1718: that to order to support the views of this Treaty, and to add weight to the endeavours for restoring the tranquility of Europe, his majesty acquainted the Commons, towards the end of the last session of parliament, that he intended to employ a naval force when it should be necessary; whereupon this House unanimously resolved to return his majesty their Thanks for his unwearied endeavours to promote the welfare of his kingdoms, and to preserve the tranquility of Europe; and to assure his majesty, that they would make good such exceedings of men for the sea service for the year 1718, as his majesty, in his royal wisdom, should find necessary to obtain those desirable ends: That this unanimous Resolution undoubtedly implied an entire satisfaction in the measures his majesty was at that time concerting for preserving the tranquility of Europe, and if an action has since happened in consequence of those measures, this cannot, with any justice, be called the War of the Ministers, but rather the War of the Parliament: that, however, it was not with design of making war, but only of restoring peace, that his majesty sent a strong squadron into the Mediterranean: that, pursuant to this view, as soon as sir George Byng reached the coast of Spain, he wrote a letter to that king, desiring him to accept his majesty's mediation, and to desist from the hostilities already begun; offering him his service, either to withdraw his troops, or even to assist him, in case the emperor should not consent to a suspension of arms; which the admiral proposed while an accommodation should be negociated: that the Spaniard, having with haughtiness rejected his majesty's repeated amicable proposals, and not only persisted in the violation of the public peace, by the invasion of Sicily, but likewise broke through most solemn treaties for the security of our Trade, it became necessary for his majesty's naval forces to check these insolent and violent proceedings, as well to maintain the faith of his majesty's engagements, and prevent the consequences of this war, as to protect and defend the trade of the British subjects, which labours under the heaviest hardships and difficulties.—To confirm this last assertion,

Col. *Blader* produced a list of many merchant ships, taken or detained by the Spaniards.

Mr. *R. Walpole* having made solemn professions of his duty and affection to the king, and of his readiness to acknowledge his majesty's royal care and constant endeavours for the security and welfare of his people, and the tranquility of Europe; but distinguishing between his majesty and his ministers, and shewing no unwillingness to approve the measures pursued by the latter, until the treaties on which those measures were founded, had been fully and maturely examined:

Mr. *Craggs* readily admitted of the distinction between the king and his ministers, adding, That he observed with a great deal of pleasure, how unanimous they were all for the king, and that he should be extremely sorry if the ministers should be the occasion of any delay in the House's expressing their duty and affection to his majesty, that he owned ministers were not infallible; that he had the honour to be one of his majesty's servants, and had gone as great lengths as any in the measures that had been taken: but that he was so positive, that in the course of this whole affair nothing had been done that was not entirely consistent with the faith of treaties, and the honour and interest of the nation, that he durst promise, both for himself and the rest of the ministers, that if the House came into this vote, which he thought of the highest importance at this critical juncture, no manner of advantage would be taken of it to palliate any faults, which, through human frailty, might have been committed; and that for his own part he was ready to undergo the severest examination, whenever the House should think fit to enquire into the conduct of the ministry.

Upon the whole matter, the question being at last put, upon the lord Hinchingbroke's motion, it was carried in the affirmative by 216 votes against 155.

The Commons' Address of Thanks.] Nov. 12. The lord Hinchingbroke reported the Address, which on the 13th was presented to his majesty, as follows:

"May it please your Majesty;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, do return our most sincere and unfeigned thanks to your sacred majesty for your most gracious Speech from the throne, and for the many and great instances, which you have been graciously pleased therein to give your people, of your constant endeavours for their security and welfare.

"It is with the greatest pleasure that we have this opportunity to assure your majesty, that we have entire satisfaction in those measures which you have already taken, for strengthening the Protestant Succession to the crown of these realms in your own family, and for establishing a lasting tranquility in Europe, and particularly in relation to the crown of Spain, and we are resolved on our parts, to the utmost of our power, to enable your majesty, in concurrence with your allies, not only to resent the injuries which that crown has already done to the commerce of these kingdoms, in breach of the Treaties subsisting between the two nations, but will likewise support your majesty in the most vigorous and effectual manner, in such farther measures as in your great wisdom you shall judge necessary to complete the public tranquillity, and to check the growth of that naval power, which must otherwise prove dangerous to the trade of those kingdoms, and the repose of Europe.

"We should be wanting in our duty to your majesty, if we did not express, in the most affectionate manner, the great sense we have of

that instance of your tender concern for the ease of your people, in the farther reduction which you have made of your Land Forces; which must be accepted by all your good subjects, as the strongest proof of your wisdom and goodness.

"We crave leave to concur with your sacred majesty, that regard must always be had to the inviolable preservation of the public credit, for the quiet and just security of all those who have trusted to parliamentary engagements.

"And do further assure your majesty, That we will by our conduct in this important juncture, give your majesty and the whole world all unquestionable proofs of our zeal and inviolable duty and affection to your person and government, and of our love to our country."

The King's Answer.] His Majesty's Answer was as follows.

"Gentlemen,

"I am extremely sensible of the duty and affection you express to my person: your vigour and resolution to support me will encourage our friends, and, by the blessing of God, enable me to defeat the ill grounded hopes of our enemies: as I am persuaded the necessity and usefulness of your proceedings will be approved by the event, I do return you my very hearty thanks for this loyal Address."

A Supply granted.] Nov. 19. The Commons pursuant to their Address immediately voted a Supply. They allowed for the sea service 13,500 sailors at 4*l.* a month each, amounting to 702,000*l.* Twelve thousand four hundred thirty-five men were voted for the land service, whose pay amounted to 526,964*l.* 11*s* 8*d.* These sums, with what was voted for making good deficiencies, for the ordinary of the navy, and other things, amounted in all to 2,257,581*l* 19*s* This supply was raised by a land tax, of 3*s* in the pound, the malt-tax and a lottery for 500,000*l.* The bills for the land and malt-tax were presented, and both passed in one day, a dispatch not to be paralleled in any parliament since the Revolution.

Debate in the Lords on the Bill for strengthening the Protestant Interest.] December 13. After the Lords had passed a bill 'For quieting and establishing Corporations,'

The Lord *Stanhope* stood up and said, That, in his opinion, a thing of greater importance, and becoming the wisdom of that august assembly, yet remained to be done, in order to settle the minds, and unite the hearts and affections of the well affected to the present happy establishment; and that for that purpose, he had a bill to offer to the House, intitled, 'An Act for strengthening the Protestant 'interest in these kingdoms[a],' which he desired might be read. It being the privilege of every peer to bring in such a Bill as he thinks proper, without the previous leave of the House, the said bill was read, importing a repeal of part of the Act of the 10th year of her late majesty's reign, intituled, 'An Act for 'preserving the Protestant Religion, by better 'securing the Church of England, and against 'Occasional Conformity:' as also of the act of the 12th of her late majesty's reign, "To pre-'vent the Growth of Schism; and of some 'clauses in the Test and Corporation acts.' The lord Stanhope having moved, That it might be read a second time, the same occasioned a long debate, wherein the lord Stanhope endeavoured to shew the equity, reasonableness, and advantage of restoring Dissenters to their natural rights, and of easing them of the stigmatizing and oppressive laws, made against them in turbulent times, and obtained by indirect methods, for no other reason than because they ever shewed their zealous and firm adherence to the Revolution and Protestant Succession; urging, That this desirable union of all true Protestants, as it would certainly strengthen the Protestant interest, so would it rather be an advantage, than any prejudice to the church of England, by law established, which would still be the head of all the Protestant churches; and the archbishop of Canterbury become the patriarch of all the protestant clergy.

Lord Stanhope was seconded by the earls of Stamford and Sunderland, and some other lords: but the dukes of Buckingham and Devonshire

[a] "The king, judging by the disposition of the parliament, that it would be a proper time to execute a design, he had long been meditating, resolving to attempt it this session. Ever since his accession to the throne he had assured the church of England of his protection, but at the same time declared for a just Toleration, by removing the odious distinctions between churchmen and non-conformists. In the former session he had plainly enough discovered his intention, but the prosecution of it was prevented, by the misunderstanding among the Whigs. The Dissenters, besides the Occasional and Schism Bills, lay under the weight of the Sacramental Test. As they had been zealous asserters of the Protestant succession, they expected to be relieved from these burdens as soon as that Succession took place. To that end consultations had been held the last year, but without any effect. The affair was now resumed, and debated by the Dissenters in many meetings, in several parts of the kingdom. The majority in these meetings were for a general repeal of the acts that they thought hardships upon them, or leaving matters as they stood. But they were assured that the king had pressed the affair to the utmost with the ministers, and that the lord Sunderland said, 'It was impracticable, and to attempt a repeal 'of the Test would ruin all.' Upon this the Test was given up, after assurances that the Test-act should also be repealed in a more proper time. Earl Stanhope therefore was to move for a repeal of the Occasional and Schism Acts passed in the latter end of the reign of queen Anne." Tindal.

vonshire, the earls of Nottingham, Aylesford, Oxford, Cowper, and Hay, the lord viscount Townshend, and the lord North and Grey, endeavoured to put off the second reading of the Bill to a long day. They alledged, That this Bill, instead of strengthening, would certainly weaken the church of England; by plucking off her best feathers, investing her enemies with power, and sharing with them civil and military employments, of which church-men only are now in possession.

The Duke of *Devonshire*, in particular, suggested, That it was irregular to bring in a bill of so great consequence without previously acquainting the House: But it was readily answered by

Lord *Stanhope*, that his grace had forgot that about two years before he brought in himself, in the same manner, a bill of much greater consequence. *

The Earl of *Nottingham* said upon this occasion, That the church of England is certainly the happiest church in the world, since even the greatest contradictions contribute to her support: For nothing could be more contradictory than a bill which is said to be calculated to strengthen the Protestant Interest, and the church of England, and which at the same time repeals two acts that were made for her further security.

The Earl *Cowper* made also a long speech against some parts of the bill; and, among other things, said, That he had no manner of prejudice against the Dissenters, but rather a tender regard for them; that, as he had been bred in, so he had ever communicated with the Church of England, which he believed to be the best Protestant church, and the most agreeable to the primitive pattern of christianity; but that, however, if he had happened to be at Geneva, he would not have scrupled to have communicated with the Protestants there. That he was for giving the Dissenters as much ease, as was consistent with the safety of the constitution in church and state, and would readily give his vote for the repealing of the Schism act; but that he could not but oppose that part of the bill now laid before them, whereby part of the Test and Corporation Acts were effectually repealed, with relation to Dissenters; because he looked upon those acts as the main bulwark of our excellent constitution in church and state, and therefore would have them inviolably preserved and untouched.

The Earl of *Hay*, upon this occasion, said, in substance, That every body knew he was educated in a different way from the church of England: but nevertheless, he could not but be against this bill, because, in his opinion, it broke the Pacta Conventa of the treaty of Union, by which the bounds, both of the church of England, and of the church of Scotland, were fixed and settled; and that he was apprehensive, that if the Articles of the Union were broke with respect to one church, it might afterwards be a precedent to break them with respect to the other.

The Lord *North and Grey* spoke also against the bill, and urged, That this was an affair of so great importance, that it ought to be maturely considered, and debated in a full House, and a great many members being absent, his lordship moved "That the second reading might be put off for a month; and that the Lord Chancellor be ordered to write circular letters to summon all the lords to attend, upon the severest penalty the House could inflict."

The Duke of *Buckingham* was of his lordship's opinion, as to the putting off the second reading to a long day; but thought it needless to give the Lord Chancellor, who had business enough upon his hands, the trouble of writing circular letters: and therefore his grace suggested, That every lord, then present, might write to his absent friends, to acquaint them with what was depending in the House; and he was sure such letters would be more acceptable and effectual than a formal summons.

The court party being unwilling to let this affair cool, by adjourning it so long, the earl of Hay proposed, "That the second reading might only be put off till Thursday the 18th of December," which was agreed to without dividing.

Accordingly, upon that day, the bill was read a second time, and a motion made for committing it to a committee of the whole House; but this being opposed by the earl of Nottingham, and some other peers,

The Earl of *Cholmondely* suggested, that before they proceeded any farther, in an affair wherein the Church was so nearly concerned, he thought it very proper to have, in the first place, the opinion of that venerable bench, pointing to my lords the bishops. This being unanimously assented to,

The Archbishop of *Canterbury* * stood up, and declared against the bill, for which his grace gave his reasons, importing in substance, That the acts which by this bill were to be repealed, are the main bulwark and supporters of the established church; that he had all imaginable tenderness for all the well-meaning conscientious Dissenters; but he could not forbear saying, that some amongst them made a wrong use of the favour and indulgence that was shewn them upon the Revolution, though they had the least share in that happy event; and therefore it was thought necessary for the legislature to interpose, and put a stop to the scandalous practice of Occasional Conformity, which was condemned by the soberest part of the Dissenters themselves. And as to the Act against Schism, though it may carry a face of severity, yet it seemed needless to make a law to repeal it, since no advantage had been taken of it against the dissenters, ever since it was made.

* See the debate on the Septennial Bill, brought in by the duke of Devonshire, p. 293.

* Dr William Wake. For a short Account of him, see vol. 6, p. 860.

The Archbishop of York* spoke on the same side, and said, That the arguments used the other day for this bill, had no more weight with him, than they had with his brother of Canterbury. His grace urged, in particular, the danger of trusting the Dissenters, the open and avowed enemies of the church, with power and authority, and endeavoured to account for the acts against Occasional Conformity and Schism, by saying, they were only for self-defence and self-preservation, and not for persecution; adding, that Dissenters were never to be gained by indulgence. To that purpose, he quoted a passage out of a treatise, intitled, "A Persuasive to Lay Conformity," written by a prelate, who, it was insinuated, had, since the writing of that book, embraced and maintained other principles. His grace also took this opportunity to clear the clergy of the Established Church, from the aspersion of disaffection to the present happy settlement, by instancing two divines, who, during the late unnatural rebellion, had given signal proofs of their loyalty and zeal for his majesty's person and government.

The Bishop of *Bangor*,† who spoke next, answered the archbishop of York, particularly with relation to the passage quoted out of one of his Treatises. He said, He was so far from having altered his principles, that both before and after he had been promoted to the station he held in the church, he had endeavoured to bring over the Dissenters by that law which of all opinion, that gentle means are the most effectual for that purpose. After this he endeavoured to shew at large the unreasonableness and ill policy of imposing religious tests, as a qualification for civil or military employments, which abridges men of their natural rights, deprives the state of the service of many of its best subjects, and exposes the most sacred institutions and ordinances to be abused by profane and irreligious persons. He also endeavoured to prove, that the Occasional and Schism Acts, were, in effect, persecuting laws; and that by admitting the principle of self-defence and self-preservation in matters of religion, all the persecutions of the Heathens against the Christians, and even the popish inquisition, may be justified. As to the power of which some clergymen appeared so fond and so jealous, he owned, that the desire of power and riches is natural to all men; but that he had learned both from reason and the gospel, that this desire must keep within due bounds, and

* Sir William Dawes. "He was born at Lyons near Braintree, Essex, 12th September 1671. From Merchant-Taylor's school he went to St John's College, Oxford; but about two years after, in consequence of the death of his two elder brothers, and his inheriting the estates of his father, sir John Dawes, bart. he removed to Cambridge, as nobleman of Catharine Hall. Soon after taking his degree of M A. he married Frances daughter of sir Thomas Darcy, and at the proper age entered into orders, and in 1696, after being made D. D. by royal mandate, he was elected master of his College. King William, who was pleased with one of his sermons, gave him a prebend of Worcester, and he was afterwards made rector and dean of Bocking, Essex, in every situation recommending himself to the good opinion of his neighbours, by his affable, benevolent, and charitable conduct. On the accession of Queen Anne, he was made one of the royal chaplains; but a sermon which he preached offended some of his ministers, and the see of Lincoln intended for him, was conferred on Wake, 1705. Two years after, however, the Queen named him for the see of Chester, and in 1714 he was translated to York. He died, 30th April 1724." Lempriere.

† Dr Benjamin Hoadly. "He was born Nov. 14, 1676, at Westerham, in Kent. His father was for some time master of Norwich Grammar school. Young Hoadly entered at Catharine-Hall, Cambridge, 1692, and became afterwards a fellow of the society. In 1706, he began his literary career by an attack on Atterbury's sermon on Dr. Bennett's funeral, and two years after he attacked another sermon of the same author, on the Power of Charity to cover sin. His Measures of Obedience, on the doctrine of non-resistance, so pleased the Commons in 1709, * that they petitioned the queen to reward his services in the cause of civil and religious liberty, by some honorary preferment. He was, however, neglected, though made rector of Streatham, Surrey, by Mrs. Howland, till the reign of George the First, when he was in 1715 raised to the see of Bangor. Party disputes, however, and the fear of his personal enemies, detained him in the metropolis, so that he never visited his bishopric. At this time his sermon on the words, 'My kingdom is not of this world,' produced a violent dispute for many years, known by the name of the Bangorian Controversy, which, though at first attacked the temporal power only of the clergy, soon extended to the rights of princes. In this controversy he had for opponents, Dr. Snape, and the still more formidable William Law, who in some points triumphed in the general opinion over him. From Bangor he was translated to Hereford, and afterwards to Salisbury, and lastly to Winchester, where he continued 26 years. He died 17th April 1761, aged 85, and was buried in Winchester Cathedral, where a neat monument, with a Latin inscription, written by himself, records the events of his life. As a writer he possessed great abilities; he was a keen disputant, but his style was inelegant, and his periods, as Pope observes, 'were of a mile.' His writings, which are numerous, are enumerated in the Biographia Britannica, on the authority of his son. They have appeared in 4 vols. folio. Akenside, among other poets, has paid a handsome tribute to his memory." Lempriere.

* See vol. 6, p. 807.

not intrench upon the rights and liberties of our fellow-creatures and countrymen.

The Bishop of *Bristol*, * who spoke next, on the opposite side, chiefly urged, That the late king William having recommended to both Houses from the throne, that they would leave room for the admission of all Protestants that were willing and able to serve; and a clause having thereupon been offered to be inserted in a bill, depending in the Lords' House, to take away the necessity of receiving the Sacrament, to make a man capable of enjoying any office, employment, or place of trust, the said clause was rejected by a great majority, as well as another clause (offered also to be inserted in the said bill) to prevent the receiving the Sacrament of the Lord's Supper upon any other account, than in obedience to the holy institution thereof: adding, that soon after, the Lords addressed to king William, That he would maintain the church of England as by law established; all which his lordship applied to the present case, and so voted against the bill. He was answered by

The Bishop of *Gloucester*†, who among other things, endeavoured to wipe off the imputation of hypocrisy cast on the Dissenters. He was backed by

The Bishop of *Lincoln*,‡ who made an historical deduction of the business in question, and artfully commended the zeal of a noble earl, when secretary of state, in promoting a comprehension, according to king William's desire. He also took notice, that religion was ever used, by crafty men, as a blind and pretence to carry on political designs; and he remembered in particular, in the late reign, that while our arms were victorious abroad, the church was in danger at home; but no sooner was a stop put to that glorious war, than the church was in a flourishing condition. The Bishop of Lincoln having done speaking,

The Earl of *Nottingham*, who was hinted at by that prelate, and who was the promoter of the Occasional Bill, and had opposed the bill now in question, thought it proper to justify his conduct; which his lordship did, by saying he was in those days but a young man, and had wanted opportunities to know the Dissenters, which he had since, and found them to be no obstinate sort of people, never to be satisfied: after which his lordship entered upon the merits of the bill and voted against it.

The Bishop of *London* * did the same, and urged, That in wise governments, all offices and places of trust are in the hands of those of the national church, which his lordship confirmed by what is practised in Sweden.

The Bishop of *Rochester*† spoke also on the same side, and said, in substance, That he was not in the House at the first reading of this Bill; but that the last session of parliament he foresaw from this bill about an Alms-House at Bristol, and this bill for applying part of the fund for the building of new Churches, to the rebuilding of an old one (St. Giles's) both which he had opposed, that something of this nature would be attempted. That he was sorry he had been a prophet, since, in his opinion, this bill overturned the foundation of the security of the Church. That this bill even struck at the Act of Uniformity, which was confirmed by the Act of Union, and so was levelled against the Church of Scotland, as well as against the Church of England: for which reason he hoped these peers who represented the nobility of Scotland would be against this bill, particularly a noble lord, who was too great an enemy to priestcraft to suffer himself to be assembly-riddeo. His lordship, by way of commination, concluded that we live in a changeable country, and the hardships which the Dissenters bring now upon the church, may one day or other be severely and with more justice retaliated upon them.

The Bishop of *Peterborough*‡ spoke strenu-

* Dr. George Smalridge. "He was born of a good family at Litchfield, 1666, and educated at Westminster School. In 1682 he was elected to Christ Church, and began soon to display his learning and his application, by his publication of Animadversions on a Piece of Obadiah Walker, on Church Government, 1687, and 1689 appeared his Latin poem called 'Auctio Davisiana, &c.' on the sale of the Books of Davis, the Oxford bookseller. In 1693 he was made prebendary of Litchfield, and afterwards canon of Christ Church, then dean of Carlisle, and in 1713, dean of Christ-Church, and the next year bishop of Bristol. He died Sept. 27, 1719, and was buried at Christ Church. He published besides, 18 Sermons in one volume, and after his death 60 more were published by his widow."

Lempriere.

† Dr. Richard Willis; translated to Salisbury, Nov. 21, 1721; and afterwards to Winchester, Sept. 21, 1723.

‡ Dr. Edmund Gibson; translated to London, May 4, 1723.

* Dr. John Robinson.

† Dr Francis Atterbury.

‡ Dr. White Kennet. "He was born at Dovar, Aug. 10, 1660. He was educated at Westminster school, and entered at Edmund hall, Oxford, where he applied himself with unusual perseverance to study, and published his Letter from a Student, concerning the approaching parliament, a political pamphlet, which gave great offence to the Whig party. In 1699, he took his degree of D. D. and the next year, unsolicited, was appointed minister of St. Botolph, Aldgate, London. In 1701 he became archdeacon of Huntingdon, and that year engaged with Dr. Atterbury in a controversy about the rights of Convocation. He was afterwards promoted to the see of Peterborough, which he enjoyed ten years. He died in St. James's street, London, 19th Dec. 1728. He had begun to make a large collection of maps, papers, &c to write a full history of the propagation of christianity in the English American colonies, which was never com-

ously for the Bill, and said, in substance, That he did not design to reflect on any of his brethren for speaking against this bill, because he supposed they did it out of a sincere zeal for the Church; that for his own part, he did not believe this bill to be against the church, but rather for its advantage and security, and therefore he was for it. That he observed from history, that the church was most safe and flourishing, when the clergy did not affect more power than falls to their share, and were tender of the rights and liberties of their fellow-subjects; but that when the clergy promoted arbitrary measures and persecutions, as some did in king Charles the 1st's reign, they first brought scandal and contempt upon the clergy, and, at last, ruin both upon church and state. Then he shewed the abuse of the word Church, which in a true sense, is venerable, and illustrated the matter by the words 'holy,' and 'the temple of the Lord,' which were sacred among the Jews; but when those words came to be abused so far, as to countenance rebellion, as in the case of Dathan, Corah, and Abiram, and other wicked practices, than they rather became words of execration. That in like manner amongst us, the words 'church,' and the 'church's danger,' had often been made use of to carry on sinister designs, and then these words made a mighty noise in the mouth of silly women and children; but that in his opinion the church, which he defined to be a scriptural institution upon a legal establishment, was founded upon a rock, and could not be in danger, as long as we enjoyed the light of the gospel, and our excellent constitution. After this he gave his reasons for his being for this bill, and animadverted upon three things that had been advanced by other prelates, viz. 1st, 'That the 'Dissenters got more than the church by the 'Revolution, though they had the least share in 'it.' For his lordship shewed they only got a toleration, which they might have had under king James, if they would have complied with his measures; whereas the Church secured all she now enjoys, which would have been irrecoverably lost, had not the Revolution happened. 2dly, 'That the churchmen, and even the 'clergy, shewed more affection to the present 'government than the Dissenters, during the 'late rebellion:' to which he answered, that by the laws which by this bill were to be repealed, the Dissenters were then under an incapacity to serve the government, which evinced the necessity of this bill; and as for a clergyman who had given signal proofs of his zeal for the government in the north, that it was well known he was never rewarded for it, but rather disregarded ever since by his neighbours. 3dly, As to what had been suggested, 'That all offices 'of trust ought to be in the hands of those of the established church,' he said, he hoped these should never draw precedents from Sweden. Concluding, with returning thanks to the lay lords, for hearing so long and so patiently with that bench, leaving the issue of the debate to their judgments, and only taking notice, that as the wisdom of Solomon never more eminently appeared, than in discovering the true mother of the child, so their lordships might easily know the reason, why some persons spoke with so much tenderness for the acts which by this bill were to be repealed.

The Bishop of *Chester* * was of the contrary opinion, and in particular, excepted against a clause in the bill, whereby a punishment of censure was to be inflicted on such clergymen, as should refuse to administer the sacrament to any that desired to receive it, which he said was against the canons of the church. The spiritual lords having done speaking,

Lord *Lansdown* † stood up, and spoke as follows:

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* Dr. Francis Gastrell.

† "Lord Lansdown, who descended from a family which traced its ancestry to the first duke of Normandy, was himself grandson of the famous sir Bevil Granville, who lost his life so heroically at the battle of Lansdown in 1643. He received his first tincture of education in France under the tuition of sir William Ellis, a man of letters. In 1677, in the tenth year of his age, he was entered at Trinity college, Cambridge; and in 1679 recited a copy of his own verses to the princess Mary d'Esté of Modena, then duchess of York, when she visited the university. In 1680 he was admitted to the degree of master of arts, and left college soon after. At the accession of James the 2nd he addressed the new monarch in three short metrical panegyrics, which were commended by Waller, whose praise animated the young poet to breathe a rapture of acknowledgment,

"In numbers such as Waller's self might use."

"He had early imbibed principles of loyalty, and was with difficulty prevented from taking up arms in defence of his sovereign, both at the time of Monmouth's rebellion, and at the Revolution. On the latter occasion he expressed his manly feelings in a letter to his father, which has been printed by Dr. Anderson. Having no public employment, and possessing but a contracted fortune, he lived in retirement during the reign of king William, devoted to literary avocations, the fruits of which appeared in his plays and poems. By a laudable economy he preserved himself at the same time from those embarrassments which in more advanced life he is said to have incurred. Having received a considerable addition to his finances by the death of his father and uncle, he became representative for Fowey, in Cornwall, in 1702, and continued to serve in parliament till 1710, when he was made secretary at war in the

plated. He wrote the third volume of 'A Complete History of England,' published by the booksellers 1706, besides A Vindication of the Church; A Letter to the Editors of Sumner's Treatise of the Roman Posts, &c.; Sermons, &c. His valuable MS Collection was purchased by the earl of Shelburne." Lempriere.

"My Lords;

"Having never trespassed on your patience before, I may hope for the readier excuse, if I trouble you for once; and I give you my word, that no indulgence shall encourage me to make a custom of it.

"I always understood that the toleration was meant as an ease to tender consciences, and not an indulgence to hardened ones. The act to prevent Occasional Conformity corrects only a particular crime of particular men; it concerns no other set of Dissenters, but those followers of Judas, who came to the Lord's Supper to sell and betray him; this crime, however palliated or defended, even by some reverend fathers of the church, is no less than making the God of Truth, as it were in person subservient to acts of hypocrisy; no less than sacrificing the mystical body and blood of our Saviour to worldly and sinister purposes. An impiety of the highest nature, which in justice calls for correction, and in charity for prevention. .

"The bare receiving the Holy Eucharist could never be intended simply as a qualifica-

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place of sir Robert Walpole. In 1711 he was created baron Lansdown, and afterwards appointed comptroller and treasurer of the household to queen Anne. On the accession of George the 1st he was removed from his offices, and his Tory connexions prevented his being employed in that or the succeeding reign. Having protested against the bill for attainting Ormond and Bolingbroke, he fell under the suspicion of plotting against the government, was seized and sent to the Tower in Sept 1715, where he was confined 17 months and then discharged, without being brought to trial. In 1719 he made an ardent speech against the practice of occasional conformity, part of which is given by Cibber. In 1722 he is thought to have been driven abroad by his profusion, though on a pretence of retrieving his health rather than his circumstances. During his absence from England he composed most of his prose pieces. In 1732 he published the handsome edition of his works mentioned by lord Orford. He now appeared at court, where he was well received by queen Caroline, to whom and to the princess Anne he presented his splendid volumes, with verses on the blank leaves, which concluded his poetical labours. He died in Hanover Square, Jan 30, 1735, in the 63th year of his age."—Lord Orford's Royal and Noble Authors, Park's Edit vol. 4, p. 155.

Pope inscribed his early poem of Windsor Forest to "Granville the Polite," and flatteringly said,

"'Tis yours, my lord, to bless our soft retreats,
And call the Muses to their ancient seats,
To paint anew the flow'ry sylvan scenes,
To crown the forests with immortal greens,
Make Windsor hills in lofty numbers rise,
And lift her turrets nearer to the skies,
To sing those honours you deserve to wear,
And add new lustre to her silver star."

tion for an office, but as an open declaration, and indubitable proof of being a sincere member of the church. Whoever presumes to receive it with any other view profanes it, and may be said to seek his preferment in this world, by eating and drinking to his own damnation in the next.

"It is very surprizing to hear the merit of Dissenters so highly extolled and magnified within these walls, for who is he amongst us, that cannot tell of some ancestor either sequestered or murdered by them. It is notoriously known, that they brought the Royal Martyr to the block; but to extenuate that guilt in favour of the Presbyterians, it seems to be insinuated by a very learned lord, that they performed good offices at last, and were instruments of the Restoration. What offices, what instruments, upon what terms did they resort to the king? Upon no better than their brethren the Scots had invited him before, to have an insignificant tool of a king, a cypher of a king, to walk in their leading-strings. To restore themselves, not him to dominion, was their only aim. they groaned under the oppression of other sectaries, after having been themselves the greatest oppressors of mankind: nor had they any other means of arriving at deliverance (or revenge rather) but by recovering royal power under a nominal king. This general Monk well knew, who was privy to their intrigues, and hence arose all the difficulties that incumbered him in the prosecution of his own scheme: he was under a necessity of making use of their discontent, and could neither entirely trust or throw them off: but that the monarchy was restored free and independent, the Church re-established pure and undefiled, was owing to his virtue and good conduct: no thanks to the Presbyterians.

"Nor was king Charles scarce warm in his throne, before they broke out into a new rebellion, and continued incessant disturbers of his whole reign, sometimes with sham plots, and sometimes with real ones.

"It was likewise observed by the same learned lord, that they were hardly used, fined, banished, and imprisoned. Be it so, but it was not upon a religious account; they might be punished for breach of the law, disturbing the public peace, for illegal meetings and assemblies, and other state crimes; but what was there more in that than the present case of the Nonjurors?

"The clemency of that reign, even to Dissenters, has been sufficiently vindicated by a noble earl, (the earl of Nottingham) who was called up, by some reflections which fell from a reverend prelate, to give an account of the intended comprehension. The Church opened her arms, the clergy and prelates, the king condescended to invite them with all the temptations of indulgence and Christian charity; but what was the return? Nothing but a morose haughty deportment, severe contradictions or sullen evasions; they scorned to enter our churches as brethren and fellow-Christians,

but as conquerors and plunderers; they have no grace but what is founded in dominion. Their behaviour in the subsequent reign of king James, is fresh in every one's memory; that unhappy prince was undone by giving attention to their Addresses, and depending upon their promises.

"But it is said they have been not only quiet since, but have appeared zealous for the present establishment, and no wonder for who but themselves or their favourers, have been thought worthy to be countenanced.

"A noble lord inquiring into the reason of the present universal discontent (for such I find it is agreed to be on all hands) has been pleased to impute it to misconduct in the administration; a little unluckily, I confess, since it was answered, That at the time when that discontent most flamed, his lordship himself was at the head of the administration.

"Another noble lord very deservedly in a high station, charged it upon fate, the malignity of the stars, a certain unaccountable disposition in the heavens, for which there is no apparent reason nor remedy.

"But the reason is plain, flagrant and notorious; the early impatience and presumption of Dissenters, their insolent and undissembled expectations, their open insults of the clergy, their fixing bills on our churches with this scandalous Inscription, 'A House to be Lett.' Their public vindication of the murder of king Charles; their vile reflections on the memory of queen Anne, for ever dear to the people of England; besides many other indecent arrogant provocations (too many to enumerate) was too much to bear, so that the violences that ensued let the aggressors answer for but then their acting all this not only with impunity, but with a reward out of the public treasure, was more than a sufficient ground for jealousy.

"A noble duke seems with some warmth to have taken offence, that the Roman Catholics and Dissenters have been mentioned in the debate upon the same level, whereas their religion is high treason. But I never yet understood that their religion was high treason; indeed I have heard that it might be high treason to make converts to it; and by the same reason the reformed religion may be high treason in Popish countries But if we may compare them with the Dissenters, upon a foot of merit with respect to the government, the Catholics, as far as has been yet made to appear, have infinitely the advantage. To whom do we owe our Magna Charta? To our ancient barons unreformed, and were there not as many struggles for liberty before the Reformation as since?

"To whom do we owe the Revolution but to Catholic powers? Even the Pope himself united to encourage and support the prince of Orange in his undertaking.

"To whom do we owe our present security in the Protestant establishment, but to the most potent, the most arbitrary, the most famous for persecution of all the Popish powers, the most inveterate and implacable enemies of the Protestant persuasion, France, Savoy, and the Emperor? And have not the ministers, one after another, assured us, that these mortal enemies to our souls in another world, are our only guarantees for our salvation in this?

"Our Protestant brethren, the States, were neither consulted nor intrusted, but seem to have been left like slaves to follow the dictates of Great Britain and France, and to accede implicitly at their peril; they have however thought fit hitherto to continue Dissenters, though perhaps they may in time occasionally conform, as circumstances may happen to press. But till then, our only trusty allies are our good Catholic friends.

"If any man can say as much for the Dissenters, let him speak; the reverend prelates who have exerted in this debate, having been prepered to fulminate against the Test, without being admitted into the secret of withdrawing the question, have unfortunately employed their quivers in the air.

"One indeed there is, who must not be forgot, who wandering beyond the rest in a long historical collection, from pamphlets and libels, has let himself loose against the sacred memory of the royal Martyr; he has accused him, if not of all popery, of half popery, very near popery, almost all popery; why would he not speak out? For what means this] school disunction, betwixt almost all a papist, and quite. Hard fate of the best of men and of kings!

"He who renounced the purple to preserve the fawn, who died for the Church, and who is commemorated as a martyr for the Church, is yet exposed within an age after his descent from the scaffold to the grave, to be murdered over again in fame, even in the supreme court of judicature, by a successor in that venerable order, that very episcopacy, for which he sacrificed his liberty, his life, his crown!

"The execrable wretch who severed his head from his body, performed the inhuman office in a mask; but this holy executioner, who cuts what the axe could not hurt, what the regicides could not take from him, his good name, has not been ashamed to attempt it bare faced. It grieves me that this animadversion should fall to my lot, to the lot of any private lord: I was in hopes a general indignation would have warmed this noble assembly, to have made it their own act to reprehend such irreverend slanders, as would have much better become a descendent from Bradshaw, than a successor of Laud but I ask pardon, this unlucky reflection may have transported me too far. In a word, that I may not appear prejudiced to merit in any man, I will conclude, with this motion, that a list be laid before us of such Dissenters by name, as have in any kind merited from the public, and I will most readily come into any measures that may distinguish them and their particular service. God forbid but that they should all have their deserts."

A little past six in the evening, the question was called for, and as some other Temporal

Lords were going to speak to it, the earl of Aylesford moved for adjourning the debate till the next day, which was agreed to.

Dec. 19. The Lords resumed the adjourned debate; and the House being cleared of all strangers, the earls of Aylesford, Nottingham and Cowper, the duke of Devonshire, the lord viscount Townshend, the lord Trevor, the lord archbishop of Canterbury, the lord bishop of Rochester, and some others, made speeches against the bill; but were answered by the earls of Sunderland and Stanhope, dukes of Newcastle, Kent, and Roxburgh, the lord Cholmondeley, the bishop of Norwich,[a] and the question being at last put, whether the Bill be committed, it was carried in the affirmative by a majority of 86 voices against 68, viz.

Content - -	67	Not Content,	50
Proxies, - -	19—86	Proxies -	18—68

Dec. 20. The Lords, in a grand committee examined and went through the Bill, paragraph by paragraph, and the reasons offered by earl Cowper, and some other peers, had so much weight, that some clauses derogatory to the Test and Corporation acts were agreed to be left out. Then the question being put, That this Bill, thus amended, be reported the Monday following; it was carried in the affirmative by 55 voices against 33. Accordingly, on the 22d, the said amendments were reported, agreed to, and the Bill ordered to be engrossed; and the next day it was read the third time, passed, and sent down to the Commons, after which the Lords adjourned to the 7th of January.

The King's Message on declaring War with Spain.] Dec. 17. Mr. Boscawen, by his majesty's command, acquainted the House, "That all his majesty's endeavours, and those of the most Christian king, to procure redress of the many injuries done to the subjects of Great-Britain by the king of Spain, to the unspeakable detriment of the trade of these kingdoms; or even to obtain a discontinuance of the unjust hostilities carrying on by that crown, having proved ineffectual, his majesty had found it necessary to declare War with Spain."

Debate in the Commons on the War with Spain.] After the reading of this Message,

Mr. *Treby* moved, "That an humble Address be presented to his majesty, to return his majesty the most unfeigned Thanks of the House for having communicated to them the necessary resolution of declaring War against Spain; and to assure his majesty, that this House will, with the greatest cheerfulness and with the utmost vigour, assist and support his majesty in the war with the king of Spain, until Spain is reduced to accept of reasonable terms of peace and to agree to such conditions of trade and commerce, as this nation is justly intitled to by their several treaties."

Mr. Treby was seconded by Mr. Western, member for Sudbury, but Mr. Shippen, Mr Freeman, sir Thomas Hanmer, and some others excepted either against the motion or against some expressions in it, which occasioned a warm debate. Some members alledging, "That they did not see the necessity of declaring war against Spain, and that they rather were inclined to believe that the grievances complained of by our merchants might have been redressed in an amicable manner."

Colonel *Stanhope*, member for Derby, told the House, that he had had the honour to serve his majesty as his envoy to the king of Spain, and he could assure them, that he had presented at least five and twenty Memorials to that court, in relation to the complaints of our merchants, without any success. Hereupon

Mr. *Methuen*, member for Brackley, interposed, and accounted for the dilatoriness of the court of Madrid in the dispatch of commercial affairs, occasioned by the different regulations and judicatories in the several kingdoms, provinces, and ports of Spain; which might be the reason why the grievances complained of by our traders had not been redressed so soon as might have been expected.

A member having hinted that the ministers had shewn no great concern for the trade and interest of the nation, since it appeared by the Answer, from a Secretary of State, to the Marquis de Monteleone's Letter, that they would have passed by the violations of the Trades of Commerce, provided Spain had accepted the terms of the Quadruple Alliance; that his majesty did not seek to aggrandize himself by any new acquisition, but was rather inclined to sacrifice something of his own to procure the general quiet and tranquillity; that nobody could yet tell how far that sacrifice was to extend, but certainly it was a very uncommon piece of condescension;

Mr. *Shippen* went yet farther, and insinuated that this war seemed to be calculated for another meridian. But wrapt up the innuendo so dextrously, that no exception was taken at it.

Mr. *Horatio Walpole* also found fault with the Treaty of Quadruple Alliance, particularly as to the disposition of Sicily in favour of the emperor, which was a breach of the Treaty of Utrecht; and his brother

Mr. *Robert Walpole* exclaimed against the injustice of attacking the Spanish fleet before the Declaration of War.

They were answered by Mr. Craggs, Mr. Lechmere, Mr. Aislabie and Mr. T. Broderick.

Sir *Joseph Jekyll* said, That some weeks before, when this affair was first mentioned in the House, he was shy of giving his opinion, because he had not then examined the several steps that had been taken in it; but that now he was fully convinced, that if there was any injustice, it was on the side of the king of Spain, and that the conduct of his majesty and his ministers was entirely agreeable to the law of nations and the rules of justice and equity. Was it just, added he, in the king of

[a] Dr. Charles Trimnell. See vol. 6, p. 573.

Spain to attack the emperor's dominions [meaning Sardinia] while he was engaged in a war with the Turks, without any declaration of war? Was it just in the same prince to invade the dominions of one of our allies, the king of Sicily, without the least provocation? And was it not just in his majesty to vindicate the faith of his Treaties, and to defend and protect the trade of his subjects, which had been violently oppressed?

Then the question being put upon Mr. Treby's motion, the same was carried in the affirmative by 178 against 107; and it was resolved, That the said Resolution be laid before his majesty, by the whole House; which being done accordingly his majesty gave the following Answer:

"Gentlemen;

"This seasonable and loyal Address, will, I trust in God, contribute effectually to what you desire. I return you true Thanks for it."

The Lords' Address on the Declaration of War with Spain.] Dec. 16. Earl Stanhope, having communicated to the House of Peers the like Message, relating to the Declaration of War, and moved for an Address of Thanks to his majesty thereupon; he was seconded and backed by several lords. A noble peer only suggested, That before they gave sanction to a step of so nice a nature, and of so great importance, it were proper to consider whether the same was consonant to treaties, and therefore moved that a day might be appointed for that purpose. To this my lord Stanhope answered, That he had five weeks before, by his majesty's command, laid the several Treaties relating to this affair, before the House, so that all the members of that noble assembly had sufficient time to peruse and examine the same: But, however, after the Address, which he had moved, had been presented, he would readily give his Vote for appointing a day to consider of the said Treaties. And he durst answer before hand, that upon the strictest examination it would be found, that his majesty and his ministers had done nothing either against the faith of Treaties, or the honour and interest of the nation. Hereupon, it was carried, without any further opposition, and without dividing, That an Address of thanks be presented to his majesty; which Address was, accordingly, immediately drawn up, and, the same day, presented to his majesty, as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, do return your majesty our most humble Thanks, for having acquainted us with the Resolution your majesty has taken of declaring War against Spain: And as this House has already promised your majesty, that they would stand by and support you in the vigorous pursuit of those prudent and necessary measures, your majesty has taken to secure the trade and quiet of these kingdoms; and the tranquillity of Europe, so, upon this occasion, we beg leave to give your majesty the strongest assurances of our firm and steady resolution to assist your majesty with the utmost zeal in the prosecution of the present war against Spain."

The King's Answer.] To which his majesty returned this Answer:

"My Lords;

"I return you my hearty thanks for this Address, and for the assurances you give me, of your steady resolution to support and assist me in the prosecution of this War against Spain."

Debate in the Commons on the Bill for strengthening the Protestant Interest.] Dec. 24. The engrossed Bill from the Lords, intitled, 'An Act for strengthening the Protestant 'Interest in these Kingdoms,' was brought down to the Commons, who read it the first time, and ordered it to be read a second time, on the 7th of January, to which day the House then adjourned.

January 7, 1719. The Commons read a second time the engrossed Bill from the Lords, intitled, 'An Act for strengthening the Protes-'tant Interest in these Kingdoms.' And then so much of the act, 'Against Occasional Con-'formity,' as was intended to be repealed by the said Bill, as also of the act, 'To prevent the 'Growth of Schism,' &c. both which were passed in the 12th year of the late queen Anne, were read. After which, upon a motion made to commit the said Bill, there arose a very warm debate, that lasted from one o'clock, till half an hour past nine in the evening[a]. Mr. Hampden, treasurer of the navy, spoke first in behalf of the Bill, and was seconded by Mr. Cartwright, member for Bossiney. The other members who spoke for the committing of the Bill, were Mr J. Chetwynd, sir Tho. Palmer, Mr Yonge, Mr. Carter, sir William Thompson, Mr. Boscawen, Mr. Barrington Shute, sir William Lowther, sir Joseph Jekyll, sir Gilbert Heathcote, Mr. Craggs, Mr. Lechmere, and the lord Castlecomer. Against the committing of the Bill; Mr. Graham, Mr Ward, Mr. Richard Hopton, col. Strangeways, Mr. Blundel, sir William Wyndham, Mr. Jefferies, Mr. Shippen, Mr. Horatio Walpole, sir Tho. Hanmer, Mr. John Smith, Mr. Snell, Mr Robert Walpole, and Mr Lutwyche.

Sir *William Thompson* urged, That the Schism Bill deprived parents of their natural right of educating their children as they think proper; to which

Mr *Shippen* answered, That it was somewhat strange to see so able a lawyer inconsistent with himself: For when the twelve judges were consulted, in a case relating to a great family,

[a] "It is impossible to relate all that was offered on both sides on this occasion; the rather because, excepting his royal highness the Prince of Wales, and some noble peers, no strangers were this day admitted into the House." Political State.

(the Prince of Wales's children) he was of the opinion of ten of them, 'That children may be 'taken from their parents, and educated as the 'good of the nation required.' To this

Sir *William Thompson* replied; 'That as he never was consulted, so had he never declared his thoughts in the nice case hinted by that gentleman, and therefore he could not, with any colour of justice, be said to have changed his opinion: but that the member who taxed him with it, and who thereby declared against the opinion of the ten Judges, if he would be consistent with himself, must now be for the Bill that repeals the Schism act, which restores parents to their natural rights.

After some personal altercation between Mr. R. Walpole and Mr. Lechmere, the question being put upon the motion for committing the Bill, it was carried in the Affirmative by 245 votes * against 202, and the Bill was committed to a committee of the whole House. The following is,

A LIST of the Members of the House of Commons who voted for and against the Bill for strengthening the Protestant Interest, January 7, 1719

For the Bill.

Abercromby, Alexander
Addison, Joseph
Aislabie, John
Anstruther, sir John
Anstruther, Philip
Ashhurst, sir Henry
Aylmer, lord
Baillie, George
Banks, Joseph
Bellamy, William
Bere, Thomas
Bethell, Hugh
Betts, William
Bigg, John
Birch, John
Blisse, Stephan
Bladen, Martin
Blakiston, Nathaniel
Bond, Dennis
Booth, hon. Langham
Boscawen, Hugh
Boteler, John
Bruce, John Thurloe
Braddyl, Doddington
Bridges, George
Bristow, Robert
Broderick, Thomas
Brudenel, hon. James
Burford, Earl of
Burridge, John
Cadogan, col. Charles
Campbell, sir James
Campbell, John
Campbell, John junr.
Campbell, Daniel
Carpanter, gen. George
Carter, Laurence
Carteret, Edward
Cartwright, Henry
Castlemain, lord visc.
Castlecomer, lord
Caswall, sir George
Cater, John
Cavendish, lord James
Chaplin, sir Robert
Chetwynd, John
Chetwynd, William
Chetwynd, Walter
Cholmely, Hugh
Clark, sir Robert
Clerke, sir Thomas
Clayton, William
Clayton, William, (Blechingley)
Cocks, James
Cockburne, John
Coffin, Richard
Cook, sir Charles
Corbet, sir Robart
Coventry, William
Cowper, Spencer
Craigs, James, jun.
Cunningham, Henry
Danes, sir William
Dalrymple, sir David
Darcy, hon. Conyers
Delaval, George
Delaval, Francis
Dillington, sir Tristram
Diston, Josiah
Dominique, Paul
Dodd, John
Douglas, William, jun.
Douglas, hon. George
Drake, sir Francis H.
Ducane, Richard
Egerton, hon William
Eliot, Edward
Erle, Joseph
Erle, Thomas
Erle, Giles
Eyles, sir John
Eyles, Francis
Faue, hon. John
Farrer, William
Farrington, sir Richard
Fielding, hon. William
Fitzwilliams, lord
Forbes, John
Forrester, William
Fowler, sir Richard
Frankland, Thomas
Gibbon, Philips
Gordon, sir William
Gould, Nathaniel
Grantham, Richard
Grimston, William
Grove, Grey James
Grenville, Richard
Haldane, Muogo
Haldane, Patrick
Halsey, Edmund
Hampden, Richard
Harrison, Edward
Heathcote, sir Gilbert
Heath, Thomas
Heathcote, John
Henley, John
Hill, sir Roger
Hillsborough, lord visc.
Hillersden, William
Hitche, Robert
Hobart, sir John
Honeywood, Robert
Hopkins, Edward
Hopkins, John
Hoskins, sir Hungerford
Hotham, sir Charles
Hoghton, sir Henry
Hucks, William
Janssen, sir Theodore
Jekyll, sir Joseph
Jenkins, Tobias
Jennings, sir John
Jessop, William
Ingram, Arthur
Johnson, sir Thomas
Johnston, sir William
Ker, hon. Wallace
Lawson, sir Wilfred
Lechmere, Nicholas
Lee, sir Thomas
Lennard, sir Samuel
Lewis, Thomas (Radnor)
Littleton, Thomas
Lomax, Joshua
London, John
Long, col Charles
Lowe, Samuel
Lowndes, William
Lowther, James
Lowther, sir William
Mead, sir Nathaniel
Mason, Charles
Maynard, Thomas
Meyrick, Owen
Micklewait, Joseph
Middleton, lord visc.
Milner, James
Minshull, Edward
Molesworth, lord visc.
Monro, Robert
Monson, sir William
Montrath, earl of
Montgomery, John
Moodie, James, jun.
Mordaunt, hon. Charles gen.
Moreton, Matthew, D.
Morgan, Anthony
Morpeth, lord visc.
Mountague, James
Murray, Alexander
Murray, lord James
Naylor, George
Negus, Francis
Neville, Grey
Newport, lord visc
Norris, sir John
Oliphant, Charles
Onslow, Denzil
Oughton, sir Adolphus
Page, sir Gregory
Palmer, sir Thomas
Papillon, Philip
Parker, sir Philip
Paulett, lord Harry
Paulett, lord William
Pelham, Henry, jun
Pengelly, Thomas
Philips, sir John
Philpot, Nicholas
Piers, William
Pelham, Thomas
Pelham, hon. Henry
Piggot, Robert
Pynsent, sir William
Pitt, Thomas, jun.
Plumtree, John
Pollock, sir Robert
Prideaux, sir Edmund
Pringle, John
Rehow, sir Isaac
Rich, sir Robert
Rider, sir Barnham
Roberts, Gabriel

* "It was observed, that the majority was mainly owing to the Scotch members, for of 37 of them that were in the House, 34 voted for the Bill, and 3 only against it." Political State,

Rogers, sir John
Rogers, Nathaniel
Roubout, sir John
Samwel, sir Thomas
Sawbridge, Jacob
Scawen, sir Thomas
Shannon, lord visc.
Shute, John Barrington
Sloper, William
Smelt, Leonard
Smith, James
Stanhope, col. William
Stanhope, Charles
Stanwix, Thos. maj. gen.
Steel, sir Richard
St. Quintin, sir Wm.
Shelburne, lord
Strickland, sir Wm.
Stuart, William
Stuart, hon. John
Tench, sir Fisher
Thompson, sir Wm.
Thompson, William
Townshend, hon. Horatio
Treby, George
Trelawney, sir John
Trenchard, George
Tufnell, Samuel
Tyrconnel, lord visc.
Vans, Patrick
Vernon, Thomas
Wade, George
Wager, sir Charles
Wallis, William
Walter, Peter
Warrender, sir George
Weaver, John
West, hon. John
Wheat, sir Thomas
Whichcote, sir Francis
White, Thomas
Whitmore, Williams
Wilmer, William
Willis, Charles, general
Withewrong, sir John
Wortley, Edw. Montagu
Wroth, Robert
Wylde, Thomas
Young, William

Against the Bill.

Anstis, John
Archer, Andrew
Ashe, Edward
Ashe, William
Astley, sir Jacob
Bacon, Waller
Baker, George
Bamfield, sir C. W.
Bamfield, John
Barrymore, earl of
Basset, John
Bathurst, Benjamin
Beaumont, sir George
Bertie, hon James
Bland, sir John
Blundell, sir Montague
Brigstock, Owen
Bruere, George
Buller, John Francis
Bunbury, sir Henry.
Calmady, Shilston
Calthorpe, Reynolds
Carew, sir William
Cartwright, Thomas
Cave, sir Thomas
Cecil, hon. Charles
Chaffin, George
Churchill, col. Chas.
Clarke, Godfrey
Clark, George, L. L. D.
Colemore, William
Compton, hon. Spen.
Conyers, John
Conyers, Thomas
Cope, sir Jonathan
Cope, sir John
Corbet, Andrew
Corrance, Clement
Cotton, sir John H.
Cross, sir Thomas
Cumming, sir Alex.
Curzon, sir John
Davers, sir Robert
Delaune, William
Doddington, George
Dowdeswell, William
Downe, Henry visc.
Drake, Mon Garrard
Drax, Henry
Drew, Francis
Eamly, sir Edward
Eden, sir John
Edgcomb, Richard
Elford, Jonathan
England, George
Evelyn, George
Fleetwood, John
Fermannagh, lord visc.
Ferrers, Thomas
Finch, Daniel lord
Fleetwood, Henry
Flemming, Richard
Foley, Richard
Foley, Thomas
Freeman, Ralph
Godfrey, Peter
Godolphin, Sidney
Grahme, hon. James
Greville, hon. Dodd
Grosvenor, sir Rd.
Guernsey, lord
Gwyn, Francis
Hanmer, sir Thomas
Hardress, John
Harley, Edward
Harvey, Daniel
Harvey, Edward
Heiworth, John
Hellier, William
Herbert, James
Herne, Joseph
Heron, Henry
Hervay, lord Carr.
Heysham, William
Heysham, Robert
Hickman, sir Will.
Hill, Samuel
Hinchingbroke, lord viscount
Hopton, Richard
How, sir Richard
Hungerford, John
Hyde, Robert
Jeffreys, Edw. Wm.
Jenkinson, sir Robert Banks
Jennings, James
Jennings, Philip
Ing, William
Jones, Roger
Johnson, sir Henry
Isham, sir Justinian
Kaye, sir Arthur
Keyms, sir Charles
Knight, William
Kynaston, Corbet
Lambert, Edward
Lawson, Gilfrid
Leicester, sir Francis
Leigh, hon. Charles
Levinz, William
Lewen, sir William
Lewis, Thomas (Monmouthshire)
Lewis, Thomas (Southampton)
Long, sir James
Longueville, Charles
Lumley, hon. Henry
Lutwyche, Thomas
Masters, Thomas
Medlicot, James
Mews, sir Peter
Middleton, John
Miller, sir Thomas
Molineux, Samuel
Morrice, sir Nicholas
Morrice, Humphry
Mostyn, sir Roger
Newland, William
Nicholas, Edward
Norris, Edward
North, Dudley
Northey, sir Edward
Northey, William
Northmore, William
Offley, Crew
Owen, sir Arthur
Packar, Robert
Paget, lord Henry
Packington, sir John
Palmer, Thomas
Palmer, sir Jeffery
Peyton, William
Pitt, George
Pitt, Thomas, sen.
Pitt, Robert
Pole, sir William
Pulteney, William
Roberts, John
Robinson, sir William
Rolt, Edward
Ross, hon. Charles
Rowney, Thomas
Rudge, John
Saadford, sir Richard
Sandys, Samuel
Sebright, sir Thomas Saunders
Selwyn, John
Shippen, William
Shuttleworth, Richard
Smith, John
Smith, Thomas
Smithson, Hugh
Snell, John
Sondes, Edward, visc.
Stanhope, lord Philip
Stephens, William
Stepney, sir Thomas
Stonehouse, sir John
Stradling, sir Edward
Strangways, Thomas
Sutton, brig. gen.
Swanton, Francis
Talbot, John Ivory
Travers, Samuel
Trevanion, John
Turner, Cholmley
Turner, sir Charles
Turner, sir Edward
Tyrwhit, sir John
Vaughan, Richard
Vernon, Thomas
Vinceot, Henry
Urquhart, Alexander
Walcot, Humphrey
Wallop, hon. John
Walpole, Horatio
Walpole, Robert
Waller, sir John
Warburton, sir Geo.
Ward, John
Ward, William
Wentworth, hon. Tho.
Wentworth, Tho. jun.
Willoughby, hon. Fr.
Windsor, hon. Dixey
Worsley, sir Robert
Worsley, James
Wrightson, William
Wykes, William
Wyndham, sir William
Wynn, Richard
Wynn, Thomas
Wynn, W. Williams
York, John

Jan. 9. The order of the day being read for

the going into a Committee of the whole House upon the Bill from the Lords, 'For strengthening the Protestant Interest,' &c. the lord Guernsey moved, "That it be an instruction to the said Committee, that they have power to receive a Clause, That any person when he comes to take the Oath of Abjuration and other oaths; subsequent to the receiving the Sacrament, in order to his qualification, shall acknowledge that the Holy Scriptures of the Old and New Testament were given by Divine Inspiration, and shall acknowledge his firm faith and belief in the ever-blessed Trinity:" but the previous question being put, that the question be now put upon the said motion, it passed in the negative, by 90 voices; several members who voted against the Bill, 'For strengthening the Protestant Interest,' &c. having, notwithstanding their opposition to that Bill, voted also against the amendment proposed by lord Guernsey. Then the House resolved itself into a grand committee upon the said Bill, went through the same, and resolved to pass it without any amendment, by a majority of 221 votes against 170.

Jan. 10. The Bill was read the third time, passed, and sent back to the Lords.

Debate in the Lords on the State of the Peerage.] February 28. The Duke of *Somerset* rose, and represented, that the number of Peers being, of late years, very much increased, especially since the Union of the two kingdoms, it seemed absolutely necessary to fix the same, both to preserve the dignity of Peerage, and to prevent the inconveniencies that may attend the creation of a great number of Peers to serve a present purpose, of which they had a remarkable instance in the late reign: he therefore moved for the bringing in a Bill to settle and limit the Peerage, in such a manner, "That the number of English Peers should not be enlarged beyond six above the present number, which upon failure of male issue might be supplied by new creations: That instead of the Sixteen elective peers in Scotland, 25 be made hereditary on the part of that kingdom, whose number, upon failure of heirs male, should be supplied by some other Scotch peers.

The Duke of *Argyle* seconded this motion; which was also backed by the earls of Sunderland and Carlisle; but the last of these added, That this was a matter of so great importance, that it became the wisdom of that august assembly maturely to consider of it, before they came to any Resolution; and thereupon his lordship moved, "That a day may be appointed, for the House to be in a Committee, to take into consideration the present State of the Peerage of Great Britain."

The Earl of *Oxford* excepted against the duke of Somerset's proposal, and among other things, said, That as it tended to take away the brightest gem from the crown, it was matter of wonder to see it supported by those, who, by the great employments they enjoyed, seemed under the strictest obligation to take care of the royal prerogative; that therefore there must be a secret meaning in this motion; that for his own part, though he expected nothing from the crown, yet he would never give his vote for lopping off so valuable a branch of the prerogative, because this would put it not of the power of the crown to reward merit and virtuous actions. To this

The Earl of *Sunderland* answered, That though the number of peers were limited, yet the crown would still be the fountain of honour, and preserve its prerogative of creating new Peers, upon the extinction of old titles, for want of male issue, which happened frequently; and that those extinctions would give the prince on the throne sufficient opportunities to bestow honours upon commoners of distinguished merit and abilities. His lordship concluded with backing the earl of Carlisle's motion, and no member opposing it, the debate was adjourned accordingly, till the second of March; for which day the Lords were summoned.

The King's Message relating to the Peerage.] March 2. Earl Stanhope delivered to the House the following Message from the King:

"*G. R.*

"His majesty being informed, that the House of Peers have under consideration the state of the Peerage of Great Britain, is graciously pleased to acquaint this House, that he has so much at heart the settling the Peerage of the whole kingdom, upon such a foundation, as may secure the freedom and constitution of parliament in all future ages, that he is willing his prerogative stand out in the way of so great and necessary a work."

Further Debate in the Lords on the State of the Peerage.] Then a motion being made for an Address of Thanks for the said Message,

The Earl of *Nottingham* excepted against it, saying, It was unusual for the king to take notice of any thing depending in parliament, before the same was laid before his majesty in a parliamentary way.

The Duke of *Buckingham* over-ruled this objection, and said, It could not be supposed, that the king alone should be ignorant of what every body else knew; and that since his majesty was pleased, for the good of his subjects, to suffer his prerogative to be restrained, they ought readily to accept, and thankfully to acknowledge so great and so gracious a condescension.

Hereupon it was agreed, without dividing, to present an Address of Thanks to his majesty; but some words having passed between the earls of Sunderland and Oxford about this extraordinary Message, the House thought fit to interpose, and require from them, that the whole affair should go no farther, and the intended debate was adjourned to the next day.

March 3. The Lords, in a committee of the whole House, of which the earl of Clarendon was chairman, took into consideration the present State of the Peerage of Great Britain

The Earl of *Sunderland* ran over the several changes that have happened in the Peerage since the reign of queen Elizabeth to this time; urging the necessity of limiting the number of peers, and demonstrated the advantage of the scheme proposed by the duke of Somerset.

Earl *Cowper* endeavoured to shew, that what was intended to be done, with relation to the Scots peerage, was a manifest violation of the Treaty of Union, and the highest piece of injustice, for it was no less than to deprive persons of their right without being heard, and without any pretence of forfeiture upon their part, urging, That the Scots peers, who should be excluded from the number of the twenty five hereditary, would be in a worse condition than any other subjects, since they would neither be electing nor elected, neither representing nor represented, which could not fail of raising dangerous discontents amongst them; that, besides, it would be a breach of trust in those who represented the Scots peerage, wholly to divest their principals of a power, with which they had entrusted them only for a few years; and therefore his lordship was of opinion, that the Scots peers ought to have been consulted, before any steps were made in so nice and so important an affair.

These objections were replied to by the earls of Sunderland and Stanhope, Cholmondeley and Poulet, the dukes of Buckingham and Newcastle, the bishop of Gloucester, and some other English lords, who were supported by several Scots peers, particularly the dukes of Roxburgh and Montrose, the marquis of Annandale, and the earl of Ilay In the first place, it was alledged, That the settling the peerage in the manner proposed, was rather a benefit than a disadvantage to the Scots peerage, whose representatives were thereby increased by nine, and all made hereditary; and as for those peers who for the present would be excluded, they would afterwards have a chance to come in, upon failure of any of the twenty five: That this regulation could not be looked upon as a violation of the Union, two things only being made unalterable fundamentals of that contract, viz. religion, and the proportion of public taxes to prove which, several Articles of the Act of Union were read: and that the consulting of the Scots peers in this affair, would be altogether improper and unparliamentary, and attended with great inconveniencies

The Earl of *Ilay*, in particular, represented, That the bringing in a number of peers into that House by election, was certainly derogatory to the dignity of that august assembly, and of the highest tribunal in the united kingdom; and therefore he had long before wished to see this defect in the Union rectified, and the Scots peers freed from that ignominious mark of distinction, which made them be looked upon as dependent on the court and ministry, and not at liberty to vote, like the other members, for the good and interest of their country.

The Earl of Nottingham and the lord Townshend declared, That they were not against limiting the peerage, but only against the doing it in a manner, which, in their opinion, was unjust, and might be attended with dangerous consequences.

Resolutions of the Lords in relation to the Peerage.] But after a debate that lasted till near seven of the clock in the evening, by a majority of 83 votes against 30, their lordships came to the following Resolutions, viz

"1. That in lieu of the 16 elective peers, to sit in this House on the part of Scotland, 25 peers to be declared by his majesty, shall have hereditary seats in parliament, and be the peers on the part of the peerage of Scotland.

"2. That such 25 peers shall be declared by his majesty, before the next session of parliament.

"3 That 9 of the said 25 shall be appointed by his majesty to have immediate right to such hereditary seats in parliament, subject to the qualifications requisite by the laws now in being.

"4 That none of the remaining 16 so to be declared by his majesty, or their heirs, shall become sitting peers of the parliament of Great Britain, until after the determination of this present parliament, except such are of the number of the 16 peers now sitting in parliament on the part of Scotland, and their heirs.

"5. That if any of the 25 peers so to be declared by his majesty, and their heirs shall fail, some one or other of the peers of Scotland shall be appointed by his majesty, his heirs and successors, to succeed to every such peer so failing; and every peer so appointed shall be one of the peers on the part of the peerage of Scotland, in the parliament of Great Britain, and so, *toties quoties*, as often as such failure shall happen.

"6. That the hereditary right of sitting in parliament, which shall accrue to the 25 peers of Scotland, to be declared by his majesty, shall be so limited as not to descend to females.

"7. That the number of peers of Great Britain, on the part of England, shall not be enlarged, without precedent right, beyond six above what they are at present; but as any of the said present peers, or such six new peers, in case they be created, shall fail, their numbers may be supplied by new creations of commoners of Great Britain, born within the kingdom of Great Britain or Ireland, or any of the dominions thereunto belonging, or born of British parents, and so, *toties quoties*, as often as such failure shall happen.

"8. That no person be at any time created by writ, nor any peerage granted by patent, for any longer estate than for the grantee, and the heirs male of his body.

"9. That there be not any restraint upon the crown, from creating any of the princes of the blood, peers of Great Britain, with right to sit in parliament.

"10. That whenever those Lords now sitting in parliament, whose sons have been called by writ, shall die; then it shall be lawful for his majesty, his heirs and successors, to create a peer to supply the number so lessened.

"11. That every creation of a peer hereafter to be made, contrary to these Resolutions, shall be null and void to all intents and purposes."

The Peerage Bill brought in.] March 5. The Earl of Clarendon reported these Resolutions to the House, which being agreed to, the Judges were ordered to bring in a Bill* thereupon; which they did accordingly on the 14th, when the said Bill was read the first, and ordered to be read a second time.

The Peerage Bill dropped.] March 16. The Lords having read this Bill the second time, three Scotch lords petitioned to be heard by their counsel against the said Bill; but it being represented by some English peers, that the Lords being sole judges of what relates to the Peerage, they could not allow their rights and privileges to be questioned and canvassed by lawyers; and having to that purpose cited a precedent, viz. the case of the late duke Hamilton, when he claimed a seat in that house as duke of Brandon, the said petition of the three Scotch Lords was rejected without dividing. March 18, the Lords, in a grand committee, took the said bill again into consideration, but adjourned it to the 20th.

April 2. It being moved in the House of Lords to receive the report from the committee of the whole House upon the Bill for settling the Peerage of Great Britain, the same was put off to the 6th, when the Amendments made to the said Bill were agreed to, and the Bill ordered to be engrossed. But on the 14th, the day appointed for the third reading, lord Stanhope observed, That this Bill had made a great noise, and raised strange apprehensions; and since the design of it had been so misrepresented, and so misunderstood, that it was like to meet with great opposition to the other House, he thought it advisable to let that matter lie still, till a more proper opportunity: And thereupon the third reading of the said Bill was put off to the 28th of that month; by which Resolution the said Bill was dropped for the present session.*

* The same day this Bill was brought in, there was printed and delivered to the Lords, a List of the Peers existing at the time of king James 1st's accession to the crown, and of those who have since been advanced to the Peerage; as also of the several Peers extinct in his and the succeeding reigns. By this List it appears that,

At the death of Queen Elizabeth, the number of			
English Peers was	59	extinct	added
King James I. created	62	17	45
King Charles I.	59	21	38
King Charles II.	64	53	11
King James II.	8	8	0
K. William and Q. Mary	30	21	9
Queen Anne	30	24	6
King George	20	10	10
	352	154	119
Extinct	154		
Remains	178		

At the time of debating the Bill, the State of the Peers was as follows.

The Prince of Wales and Duke of York		2
Dukes		22
Earls		73
Viscounts		15
Barons		68
		178
Archbishops and Bishops		26
Peers of Scotland		16
		220

* Mr. Coxe, in his Life of Sir Robert Walpole has preserved the following "Memorandum on the Peerage Bill," by lord chancellor Middleton:

"When the duke of Bolton first spoke to me about the matter, then under the consideration of the House of Lords, for restraining the number of Peers, I did not relish the scheme; but refrained expressing myself more against it at that time, being told the king was acquainted with it, and that the ministry thought it very good for the kingdom; besides, he either had not then, or did not shew me the Resolutions which were intended to be moved in the House of Lords, so I was much in the dark.' After the Lords had passed their Resolutions, I waited on him again, and continued of the same mind, but expressed myself determined not to debate or vote against a matter thought of such consequence; but could not be convinced of the reasonableness of the thing.

"On the 6th of March, lord Sunderland at Mr. Boscawen's, desired me to see him on the Sunday morning, that he might discourse with me on this subject. At St. James's, he explained to me the motives and inducements the ministry had to push this matter; and I then shewed my not comprehending the reason or necessity for bringing in the intended bill; but expressed myself resolved (considering my being in the king's service) not to speak or vote against the bill. His lordship seemed to think more would be expected from me; and used words of the king's being obliged to change hands, &c. but whether he meant, that he must be obliged to change the ministry, if the bill

The King's Speech relating to an Invasion from Spain.] March 10. The King went to the House of Peers, and the Commons attending, he was pleased to say, That he had given orders to the Lord Chancellor to declare to both Houses, in his name and words, a matter his majesty thought of the greatest importance; whereupon the Lord Chancellor read the following speech:

"My Lords and Gentlemen,

"Having received from our good brother and ally, the most Christian king, repeated advices, that an Invasion will suddenly be attempted from Spain against my dominions, in favour of the Pretender to my crown, I have judged it convenient to make you acquainted with it, and shall, on my part, take all the necessary measures to defeat the designs of our enemies.

"Gentlemen of the House of Commons,

"This attempt, if it proceed, must engage me in some farther expences by sea and land than provision has been made for. I must therefore recommend it to you that I be enabled, in such manner as you shall judge convenient, to make the necessary dispositions for our security; and you may depend upon it, that I shall upon this and all occasions have as much regard to the ease of my people, as shall be consistent with their safety.

"My Lords and Gentlemen,

"The many proofs I have had of the affection and loyalty of this parliament leave me no room to doubt of your steady and vigorous perseverance, in support of my person and government upon this occasion."

The Lords' Address thereon.] The Lords agreed to the following Address:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, beg leave to return your majesty our humble Thanks for your most gracious Speech from the throne, in which your majesty has been pleased to communicate to your parliament, that you have received repeated advices from the most Christian king of an intended Invasion* from Spain, of your majesty's dominions, in favour of the Pretender to your crown; and we do likewise beg leave to assure your majesty, that this House will, upon this and all other occasions, stand by and assist your majesty with the utmost zeal, in support and defence of your sacred person and government, in opposition to all your enemies."

The King's Answer.] His Majesty's Answer was as follows:

"My Lords;

"I thank you kindly for this seasonable mark of your zeal for my person and government, which cannot fail of heartening our friends, and discouraging our enemies."

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miscarried, or to remove those of his servants, who should not be for it, he did not expressly say; though from the nature of the discourse, and what I was told by the duke of Bolton the first day, I am well convinced which he meant

"On 15th March, I discoursed this matter with my lord chancellor at St. James's, and expressed myself not convinced of the reasonableness of the intended Bill. he was very warm for it, and seemed surprised at my being so uncomplying; but lord Coningsby coming in, broke off the conversation. The more I consider this matter, the more I am confirmed in my opinion, that the Bill brought into the House of Lords on 14th March, commonly called the Peerage Bill, is of that nature, that the Commons ought not to pass it; and after having heard the arguments offered by the duke of Bolton, lord Sunderland, lord chancellor, and all that was offered in the House of Lords, to induce them to come to the Resolutions, on which the Bill is founded, without being convinced, I think I am not like to alter"

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* "The squadron which had been fitting out some time for this expedition, sailed from Cadiz towards England, consisting of ten men of war and transport-ships, with 6,000 regular troops on board, mostly Irish, with arms for 10 or 12,000 men. The duke of Ormond was the conductor of this undertaking, with the title of captain general of the king of Spain. He was to publish, in the proper places, a declaration in that king's name, wherein he said, 'That for many very good reasons, he had resolved to send part of his land and sea-forces into England and Scotland, to serve as auxiliaries to king James: what had confirmed him in his resolution, was the certain advices he had received, that many of the two nations, notwithstanding their strong inclination to acknowledge that prince for their sovereign, durst not openly declare for him, because they did not see him supported by any of the states of Europe, who had either power or will to assist them, that, to remove this difficulty, and others that might arise, he declared he was determined to use all his power for the restoration of a prince, in a country belonging to him by undeniable right. That he hoped Providence would favour so just a cause; but, that the fear of ill success might not hinder any person from declaring readily for him, he promised a secure retreat in his dominions, to all that should join him, and, in case they were forced to leave their country, he declared, that every sea or land officer should have the same rank as he enjoyed in Great Britain, and the soldiers should be received and treated like his own.'

"These preparations had not been so secret, but the king had received timely notice to take the necessary precautions. The duke of Orleans, in return for the same favour, had acquainted him with all he could discover.

Debate in the Commons on the King's Speech.] The Commons being returned to the House, it was moved, "That an humble Address be presented to his majesty, to return him the dutiful and unfeigned thanks of this House for having graciously communicated to his parliament, that he has received intelligence of an invasion intended from Spain against these kingdoms; and to assure his majesty that this House will support him with the utmost vigour and efforts to defeat so extraordinary an attempt; and to desire that his majesty would give the necessary orders to strengthen and augment his forces by sea and land, in such manner as he, in his great wisdom, shall think fit, assuring his majesty that this House will effectually make good any increase of expence that shall arise from such an augmentation, and effectually enable his majesty not only to disappoint the designs of his enemies, both at home and abroad, but by the blessing of God turn them to their own confusion."

None of the members did directly oppose the motion, only

Mr *Robert Walpole* took this opportunity to find fault with the administration: particularly with respect to the sending a fleet into the Mediterranean, whilst Great Britain was left naked, and exposed to the insults of a provoked enemy abroad. He also reflected on some steps, whereby the discontents had been much encreased at home; and, among others, took notice of a bill lately brought into the House of Lords, [meaning an Act for settling the Peerage of Great Britain] which could not fail making most of the Scots peers implacable enemies. He added, That though he could not forbear blaming the conduct of the ministers in some particulars, yet he still retained the same thoughts with respect to his majesty, and would readily concur with the House, in giving him the most hearty proofs of their zeal and affection for his majesty's person and government; and even go so far as to give his vote for suspending the Habeas Corpus Act, in case of necessity; but that in his opinion, it became the wisdom of that House, to know whether the advices his majesty had received of an intended invasion, were well grounded before they either alarmed the public, or engaged the nation in needless expences. This speech was answered by

Mr. *Craggs*, who said, That as to what has been suggested about the Peerage Bill, that affair being yet depending in the other House, it was unparliamentary to take notice of it, before it came regularly before them. But that however, he would before-hand venture to say, that as it was a most gracious condescension in his majesty, to suffer a branch of his royal prerogative to be restrained, in order to secure the liberty of parliaments, so he doubted not, that when that bill came down to them it would be unanimously approved. That as to the advices the king had communicated to his parliament of the Invasion with which his dominions were threatened, though it was unusual for the sovereign to declare his intelligence, yet his majesty had been most graciously pleased to tell them from whence he received his information. That therefore it would be want of respect, to question his majesty's intelligence; and he was sure no member of that House had authority to do it. That he hoped there was no great danger from the Invasion with which they were threatened: but that it would be the highest piece of imprudence not to take all the necessary precautions to repel any insults from the Spaniards, and to defeat all the designs of his majesty's and the nation's enemies, both at home and abroad. And as to the conduct of his majesty's ministers, on which that member was pleased to reflect, if a motion were made for appointing a day to inquire into the same, he would readily second it.

After this, the motion, for an Address to his majesty passed into an unanimous Resolution, and without losing time in drawing it up in form, it was farther resolved, That the said Resolution be laid before his majesty by the whole House, which being done accordingly the next day, the king returned this Answer.

"Gentlemen;

"I take this Address as a fresh instance of that duty and affection which you have so often

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Proclamation was published against the duke of Ormond, and the other lords that were with him, with a reward of 5,000*l.* for seizing the duke, and of 1,000*l.* for each of the rest, and of 500*l.* for every gentleman. As the rumour of the Invasion increased, some forces were ordered into the north and into the west of England: The States General had notice to have 2,000 men ready to transport into England when occasion required; and were at the same time desired, not to suffer the suspicious embarkations of ammunition and men that were making at Amsterdam, which they agreed to, notwithstanding the endeavours of the Spanish ministers to the contrary. Above all, the naval armament against the Spanish squadron was hastened. The king's speech had all the effect the king could expect or desire. Both Houses assured him of their support; and the Commons desired him to augment his forces by sea and land, in such manner as he should think fit, promising to make good any increase of expence on that account. With these assurances of the parliament, the king had the satisfaction to see his allies exert their zeal in his defence. The States sent over the 2,000 men; and the marquis de Prié, governor of the Austrian Netherlands, six battalions of Imperialists. The duke of Orleans offered no less than 20 battalions, but it was not thought proper to accept his offer. These precautions taken by the king were very just, but as, it happened they proved needless. The Spanish fleet came with a fair wind as far as cape Finisterre, when a violent storm arose, which lasted two days and two nights. The fleet was entirely dispersed, and disabled from pursuing their course." [illegible]

xpressed for my person and government. I trust in God it will enable me to defeat the designs of our enemies, and to provide effectually for what is dearest to me, the security and welfare of my people."

Mr. Freeman's Motion for adjourning the Call of the House.] April 14. Upon reading the order of the day for the House to be called over;

Mr. *Freeman* made a speech importing, That some weeks before, he thought it necessary that the absent members should be summoned to attend the service of the House, in order to oppose some dangerous alterations [meaning the Peerage Bill then depending in the House of Lords] which were intended to be made; and that he observed, with a great deal of satisfaction, that the summons had not been ineffectual, since there was so great and so unusual an appearance of members; which shewed that all true patriots were resolved to exert their zeal and efforts in defence of our excellent constitution. But that he hoped, that by this time the danger was pretty well over, and that the contrivers of that project began already to repeat it; that therefore the trouble it unnecessary to give the members he thought of calling over the House; and since they had dispatched all the public business that lay before them, they had best adjourn themselves to the 17th.

Accordingly the Call of the House was adjourned to that day; to which time likewise the House adjourned themselves.

Resolution against the issuing of Money out of the Chamber of London touching Elections.] April 17. In the House of Lords a Report was made from a committee, appointed to examine what sums of money have been issued, or ordered to be issued out of the chamber of London, for the prosecuting, defending, or maintaining certain causes or Writs of Error in this House, or any other causes of the like nature, for such time passed as the committee should think proper, and by what warrant or authority, and on whose application. And after debate had thereupon, the question was put, "That it is the opinion of the House, that the Common Council of London, having issued great sums of money out of the chamber of London, in maintaining several suits of law between citizen and citizen, relating to controverted elections, have abused their trust, and been guilty of great partiality, and of a gross mismanagement of the city treasure, and a violation of the freedom of Elections in the city" It was resolved in the affirmative by 46 against 17.

Protest against the said Resolution.] The following Protest was entered on the Journals:

"Dissentient'

1. "Because no proof upon oath was made before the Committee, of any one of the facts mentioned in the report; and we conceive, that without such proof, upon oath, being first made, so heavy a censure ought not to be passed on any person whatsoever, much less on so considerable a body as the Common Council of the city of London, who have been, on many pressing occasions, eminently serviceable to the public.

"2. Because the Common Council of the city of London have never been heard to the several matters of which they stand condemned by this resolution, nor have they been any way made acquainted, as far as appears to us, that they stood accused before this House of any misbehaviour whatsoever.

"3. Because the several matters or offences specified in this resolution, are properly cognizable in courts of law or equity, and this resolution may, we fear, be construed as a determination of such matters as may possibly hereafter be brought again before this House judicially, by writ of error or appeal.

"4. Because the several sums of money mentioned in the report to have been issued by the Common Council out of the chamber of the City of London, in relation to controverted elections, might possibly, had the Common Council been heard, have appeared to have been so issued by them, in defence of their ancient rights and privileges, and in order to prevent any incroschment thereupon."

"Buckingham, Monjoy, Harcourt, Mansell, Bathurst, Bingley, Compton, Trevor, Gower, Strafford, Carlton, Bruce, Oxford, Weston, Northampton, Paley."

The King's Speech at the Close of the Session.] April 18. The King came to the House of Peers, and, after passing several Bills, put an end to the session, with the following speech which the Lord Chancellor read to both Houses.

"My Lords, and Gentlemen;

"I am now come to put an end to this session, in which you have shewn many great and reasonable proofs of your duty and affection to my person and government, and of your care for the safety and welfare of your fellow subjects.

"By the blessing of God on our endeavours, we have hitherto disappointed the ill designs of our enemies, who flattered themselves with success from our unhappy divisions.

"We perceive, by the rash and wicked councils which have lately prevailed in the court of Spain, that the desperate and extravagant projects of one ambitious man, though not capable of giving fears to their neighbours, may occasion to them some expance and trouble.

"That court, being influenced by counsels odious and destructive to the Spaniards, who find themselves neglected and oppressed, after having endeavoured to foment conspiracies and seditions, both here and in France, and stooped to pruances unusual, accompanied by manifestoes of a stile unheard of among great princes, has at last proceeded to acknowledge the Pretender.

"As this news has given great surprise to all Europe, I question not but it will be re-

ceived by every good Briton with indignation and contempt.

"It is our happiness at this juncture, to find ourselves assisted by the greatest powers of Europe against an enemy that has no allies, but those who would betray the governments under which they live and are protected.

"Gentlemen of the House of Commons;

"I thank you very heartily for the supplies you have granted me this year; The manner in which you have raised them, without any new burthen to my people, the great addition you have made to the fund for sinking the debts of the nation, the discharge of the Exchequer Bills, and the provision you have made to pay whatever remains justly due to foreign states and princes, are the strongest proofs of your wisdom, as well as of your zeal for my service, and the good of your country. You may observe, I have hitherto been very cautious of making use of the power you have given me, to increase our forces by sea and land. If our enemies should oblige me to a greater expence, it shall be employed for your service. This is what the trust you repose in me requires at my hands, and what I owe to so dutiful and affectionate a House of Commons.

"My Lords and Gentlemen;

"There being nothing more desirable, at all times, than a firm union between Protestants; I reflect with satisfaction upon the law you have passed this session, which will, I hope, prove effectual to that purpose. As it is a signal instance of moderation and indulgence in our Established Church; so I hope it will beget such a return of gratitude from all dissenting Protestants, as will greatly tend to her honour and security; both which I shall ever have near at heart.

"I have always looked upon the glory of a sovereign, and the liberty of the subject, as inseparable; and think it is the peculiar happiness of a British king to reign over a free people. As the civil rights therefore, and privileges of all my subjects, and especially of my two Houses of Parliament, do justly claim my most tender concern; if any provision, designed to perpetuate these blessings to your posterity, remains imperfect, for want of time during this session, maturely to discuss and settle matters of so great importance, I promise myself, you will take the first opportunity to render my wishes for your happiness complete and effectual, and to strengthen the union, which is of so much consequence to the welfare of this kingdom

"If the circumstances of my affairs shall allow of my going abroad this summer, I shall take the same care of your interest as if I remained here. The many negotiations which will be on foot to restore the peace of the North, in which the trade and tranquility of this kingdom may be very much concerned, will make my presence there of great use to these my dominions; And as in that case I design, by the blessing of God, to meet you early next winter; I will only recommend to you most earnestly, that, laying aside all animosities, you would, in your several countries and stations, use your utmost endeavours to preserve the public peace, and see a due execution of the laws."

Then the Lord Chancellor prorogued the parliament to the 19th of May following; and it was afterwards, by several prorogations, further prorogued to the 23d of November*.

FIFTH SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] Nov. 23. The King went to the House of Peers with the usual state, when the Lord Chancellor, by his majesty's command, read the following Speech to both Houses:

"My Lords and Gentlemen;

"The satisfaction, with which I always meet you, is very much increased at this time, when it has pleased Almighty God so to strengthen the arms of Great Britain and our confederates, and so to prosper our several negotiations, that, by his blessing on our endeavours, we may promise ourselves to reap very soon the fruits of our successes. I am persuaded it will be accounted, by all my good subjects, a sufficient reward for some extraordinary expence, that all Europe, as well as these kingdoms, is upon the point of being delivered from the calamities of war by the influence of British arms and counsels. One Protestant kingdom† has al-

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* "Soon after the prorogation, the king declared his intention of going to Hanover, and appointed for Lords Justices, in his absence, the archbishop of Canterbury, lord chancellor Parker, the dukes of Kingston, Argyle, Newcastle, Bolton, Marlborough, and Roxburgh, the earls of Sunderland, Berkeley, and Stanhope, and secretary Craggs The prince and princess of Wales, not being appointed regents, retired into the country, and appeared no more till the king's departure, a few days after which they came to St James's to see the young princesses, who kept a levee twice a week: And to them it was, that the Lords Justices, and a numerous appearance of foreign ministers, nobility, and gentry, made their compliments on the king's birth-day, who was entered into the 60th year of his age.

"After six months absence, the king returned to London, the 14th of November, more respected than ever, on account of the great things he had done for the welfare and interest of his dominions. He was received with demonstrations of the liveliest joy, and those who were not forward to shew it were punished by the populace, and the windows broken that were not illuminated. Whilst in Germany, he had sent orders for the meeting of the parliament on the 23rd of November." Tindal,

† Sweden. Tindal's Debates, Vol.

ready been relieved by our seasonable interposition; and such a foundation is laid by our late Treaties for an union amongst other great Protestant powers, as will very much tend to the security of our holy religion.

"I believe you cannot but be surprized at the continuation of a war, where our enemies have nothing to hope, and so much to fear. It is indeed difficult to frame any judgment of those counsels, which have broke out of late in so many rash and ill-concerted measures: If they depend upon our divisions at home, I doubt not but in a very short time, their hopes, founded upon this expectation, will prove as vain and ill-grounded as any of their former projects.

"In congratulating with you on this happy posture of affairs, I must tell you, that as I have been very just and faithful to my engagements, so I have met such frank and powerful returns of assistance from my allies, as will, I doubt not, establish a lasting friendship among us

"Gentlemen of the House of Commons;

"You will see, by the accounts I have ordered to be delivered to you, how moderate a use I have made of the power entrusted with me to augment my forces by sea and land. I depend upon the eminent duty and affection you have always shewn to my person and government, that you will be vigorous in dispatching the necessary Supplies for the year. to which purpose I have ordered the Estimates to be laid before you. And, at the same time, I must desire you to turn your thoughts to all proper means for lessening the Debts of the Nation.

"My Lords and Gentlemen;

"You all must be sensible of the many undeserved and unnatural troubles I have met with during the course of my reign. Our divisions at home have gone magnified abroad, and by inspiring into some foreign powers a false opinion of our force, have encouraged them to treat us in a manner which the crown of Great Britain shall never endure while I wear it. The trouble and expence which this hath brought upon us have been the most loudly complained of by those, who were the occasion of them But with your assistance I have hitherto got through all those difficulties, and by the continuance of your help, I hope very soon to overcome them, since the hand of God hath so visibly been with us in all our undertakings.

"If the necessities of my government have sometimes engaged your duty and affection to trust me with powers, of which you have always with good reason been jealous, the whole world must acknowledge they have been so used, as to justify the confidence you have reposed in me. And as I can truly affirm, that no prince was ever more zealous to increase his own authority, than I am to perpetuate the liberty of my people, I hope you will think of all proper methods to establish and transmit to your posterity the freedom of our happy constitution, and particularly to secure that part which is most liable to abuse. I value myself upon being the first who hath given you an opportunity of doing it; and I must recommend it to you, to complete those measures which remained imperfect the last session.

"So far as human prudence can foretell, the unanimity of this session of parliament must establish, with the peace of all Europe, the glory and trade of these kingdoms on a lasting foundation I think every man may see the end of our labours. All I have to ask of you, is, that you would agree to be a great and flourishing people, since it is the only means by which I desire to become a happy king."

The Lords' Address of Thanks and Congratulation.] As soon as the King was withdrawn and the Commons were returned to their House, the duke of Manchester made a motion for an Address of Thanks and Congratulation to his majesty; and being seconded by the earl of Holderness, the same was unanimously agreed to, the archbishop of Canterbury only desiring that a clause might be added to the said Address, to acknowledge his majesty's seasonable interposition in favour of the Protestants abroad, which was readily complied with. The Address was as follows:

"Most Gracious Sovereign:

"We, your majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, beg leave to congratulate your majesty, on your safe and happy return to this kingdom, and upon the great success with which it has pleased God to bless the wise measures taken by your majesty, to procure and establish peace in Europe.

"It is with the utmost pleasure and satisfaction, that we see the present happy union between your majesty and the other great Protestant powers, which does so visibly tend to the security of our holy religion: and we desire to express the deep sense which we have of your majesty's seasonable interposition, for the poor persecuted Protestants abroad; and we humbly beseech your majesty, that you would be pleased to continue your powerful protection and offices in favour of them.

"We also beg leave to assure your majesty, that we will, to the utmost of our power, stand by and support your majesty, in the prosecution of such measures as you shall think farther necessary to take, for the completing the great ends your majesty has in view, for the security of trade and glory of these kingdoms, and the general tranquility of all Europe: and we promise ourselves, that the whole world will soon be convinced with how little foundation the enemies of your majesty and your kingdoms have flattered themselves to reap any benefit from our intestine divisions

"We should be wanting in our duty to your majesty and our country, if we did not return your majesty our most hearty Thanks, for that tender and unprecedented care and concern your majesty has been pleased to express, in your most gracious Speech from the throne, for the liberties of your people, and the freedom of

our happy constitution; which most necessarily draw all suitable returns of the utmost gratitude from all your majesty's faithful subjects, who have a true value for such inestimable blessings."

The King's Answer.] To this Address the King gave the following Answer:

"My Lords;

"The sense you express, in this dutiful Address, of my endeavours for the common good, is most acceptable to me. The assurances of your support will very much contribute towards bringing about the great and good ends we have in view: and you may depend upon the continuance of my best offices every where, in behalf of the Protestant cause and interest."

Debate in the Commons on the King's Speech.] The Commons being returned to their House, the earl of Hertford moved for an Address of Thanks. Though this motion was carried without dividing, yet it did not pass without opposition.

Mr. *Shippen* in particular said, "That no man was more ready then himself to concur in giving his majesty unfeigned assurances of the zeal and affection of that House to his person and government, in returning him Thanks for his care and endeavours to procure the tranquility of Europe, and in congratulating his safe return amongst us; but he could not forbear observing that his majesty's Speech contained many heads, of different nature, and of great importance; and as he remembered that this House had formerly been reflected on, for approving the measures of the ministry by the lump, and without knowing what those measures were, he therefore was of opinion, they ought to proceed with caution in this juncture, the rather, because mention was made in his majesty's Speech, of a thing of the highest consequence, viz. the altering some part of our constitution; that it was plain enough that thereby was meant the Bill of Peerage; but it was surprising, that this affair should be brought again upon the stage, after it had miscarried the last session in the other House, and that the major part of this House had expressed such an aversion to it; concluding with a motion to congratulate his majesty upon his safe return, and to give him Thanks for part of his Speech, and appoint a day to take the rest into consideration."

Mr. Heran hereupon seconded Mr. Shippen; but

Mr *Hungerford* foreseeing, that if this House should divide, a negative was like to be put upon Mr. Shippen's motion, said, That Addresses of this nature were but customary compliments, but he hoped that in the course of this session they should have opportunities enough to inquire into the grievances of the nation, and the conduct of the ministry; that as to the Bill of Peerage in particular, since the court seemed to have it at heart, he doubted not but it would soon pass the other House, and be sent down to them, and then, and no sooner, he hoped to see a great division in that House. Hereupon Mr. Shippen waved his motion.

The Commons' Address of Thanks and Congratulation.] November 24. The Commons presented their Address to his majesty, as follows:

"May it please your Majesty:

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, do return our most unfeigned thanks to your majesty for your most gracious Speech from the throne, and assure your majesty, that our hearts are filled with unspeakable joy, upon your safe and happy return to these your kingdoms, and with the most just and grateful sense of your unwearied labours for our welfare, and the security of the Protestant religion.

"We heartily congratulate with your majesty on the success of your British arms, and return the thanks of this House in the most dutiful manner, for such measures taken by the influence of British counsels, as afford the nearest prospect of a general peace abroad, and of enjoying with glory the benefit of trade and tranquillity.

"And we crave leave to assure your majesty, that we will, on our parts, by the vigour of our resolutions for the support of your government, and by the dispatch which we will give to the necessary Supplies, convince the world, that if our enemies have conceived any hopes from our divisions at home, this hath been the vainest of all their projects. And we will enable your majesty, in concert with your allies, effectually to support and perfect those just and equitable measures which have been taken to establish a general peace.

"And we further assure your majesty, That we will apply ourselves to find out the best means for lessening the Debts of the nation, and supporting the public Credit; and will concur in all proper methods to establish and preserve the freedom of our happy constitution, for which your sacred majesty has given so many tender proofs of your care and affection."

The King's Answer.] To which Address the King returned the following Answer:

"Gentlemen;

"This loyal Address deserves my best thanks. It contains the most dutiful and affectionate expressions to my person and government; and you shall perceive my sense of them, by the endeavours I will always use to procure your welfare and prosperity."

Debate in the Lords on the PEERAGE BILL.*] November 25. The duke of Buckingham brought into the House of Lords the Bill of Peerage, which was read the first time; and

* "The unpopularity of the measure, and the ferment it had excited in the nation, were the motives which induced Sunderland to with-

being read a second time the next day, upon a motion that the same be committed,

Earl *Cowper* said, That besides the reasons that induced him last session to be against this bill, he had now another that weighed no less with him than all the rest, viz. The earnestness with which it was recommended, and the eagerness with which it was brought before them, at the beginning of a session; that he had observed, both from history, and his own experience, that in affairs of moment, precipitation was ever dangerous, and, in many cases, to be suspected; and, for his own part, he could not help being of opinion, that if there were no secret meaning in this bill, some men would not be so pressing for it. To this

The Earl of *Sunderland* answered, "That it could not with any justice be said, that any precipitation had been used in this affair, since the bill in question had been brought in the last session, and then thoroughly examined; so that he doubted not but every member of that House was fully apprized of it, and ready to give his vote for or against it; that the reason why it was brought in so soon at this time, he conceived to be, that it might give no interruption to the other important affairs, which the king had recommended to his parliament: and as for any secret meaning in this bill, his lordship solemnly declared, that he knew of no other, but what his majesty had been pleased graciously to intimate in his speech, viz. the securing the freedom of our constitution, by preventing, for the future, the abuse of one branch of the royal prerogative, of which they had a fatal instance in the last reign, and which had given just offence, and terrible apprehensions to all sober men."

To this it was replied, "That if it was foreseen that bill might interrupt the other im-

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draw the Peerage Bill, at the moment of certain success in the House of Lords. In vain the pen of Addison had been employed in defending the Bill, in a paper called, The Old Whig, against Steele, who attacked it in a pamphlet intitled The Plebeian; and whose arguments had greater weight with the public, Walpole also published a pamphlet on the same side of the question, 'The Thoughts of a Member of the Lower House, in relation to a 'project for restraining and limiting the power 'of the Crown in the future creation of Peers.' In this publication, he explained the nature of the bill, and exposed the views of those who introduced it, with a perspicuity of argument, and simplicity of style adapted to all capacities, and calculated to make a general impression.

"The minister, however, did not relinquish his darling bill. During the interval between the prorogation and meeting of parliament, he exerted every effort to engage a majority in its favour. Bribes were profusely lavished, promises and threats were alternately employed, in every shape which his sanguine and overbearing temper could suggest. He affected to declare, that it was the king's desire, and not the act of the ministry; he did not attempt to conceal that it was levelled against the future government of the prince of Wales, whom he represented as capable of 'doing 'mad things' when he came to the throne. He declared that the necessary consequence of its rejection would be the ruin of the Whigs, and the introduction of the Tories into the confidence and favour of the king; expressed his surprise that any person who stiled himself a Whig should oppose it; and exerted himself in the business with so much heat and violence, that in endeavouring to persuade Middleton, lord chancellor of Ireland, who refused to support the measure in the British House of Commons, the blood gushed from his nose.

"These efforts were attended with such success, that at a meeting held by the leaders of the Whigs, in opposition, at Devonshire-House, Walpole found the whole body lukewarm, irresolute or desponding: several of the peers secretly favoured a bill which would increase their importance; others declared, that as Whigs, it would be a manifest inconsistency to object to a measure tending to prevent the repetition of an abuse of prerogative against which they had repeatedly inveighed; those who were sincerely averse to it, were unwilling to exert themselves in hopeless resistance, and it was the prevailing opinion that the bill should be permitted to pass without opposition. Walpole alone dissented, and reprobated, in the strongest terms, this resolution as dastardly and impolitic. He maintained that it was the only point on which they could harrass administration with any prospect of success; that he would place it in such a light as to excite indignation in every independent commoner; that he saw a spirit rising against it among the Whigs, and particularly among the country gentlemen, who were otherwise not averse to support government. He said, that he had overheard a member of the House of Commons, a country gentleman, who possessed an estate of not more than 800*l.* a year, declare to another, with great warmth, that although he had no chance of being made a peer himself, yet he would never consent to the injustice of giving a perpetual exclusion to his family. He was convinced, he added, that the same sentiment would have a strong affect upon the whole body of country gentlemen; and concluded his animated remonstrances, by declaring, that if deserted by his party, he himself would singly stand forth and oppose it. This declaration, urged with uncommon vehemence, occasioned much altercation, and many persuasions were made to deter him from adopting a measure which appeared chimerical and absurd; but when they found that he persisted, the whole party gradually came over to his opinion, and agreed that an opposition should be made to it in the House of Commons." [illegible] Coxe's Walpole.

portant affairs, it had been adviseable to keep it until the middle, or towards the end of the session, and to begin with the king's business." But

The Duke of *Buckingham* compromised the matter, by saying, That, for his own part, he apprehended no danger from this bill, and if it was attended with any inconveniences, as all human affairs are apt to be, time would discover it; and then, as in all other cases, they might apply a remedy to it. As to the time of bringing of it in, his grace thought it an material objection, since the House had no other business to go upon: but that he foresaw, that whatsoever dispatch they made in that bill, it would not get so quick a passage in the other House.

The Peerage Bill passes the House of Lords.] Hereupon the Bill was committed to a committee of the whole House, who went through it the next day; and on the 28th, the earl of Clarendon, chairman of that committee, having made his report, the same was agreed to, and the Bill ordered to be ingrossed. On the 30th of this month, the Lords read the said Bill the third time, passed the same, and ordered it to be sent down to the Commons.

Debate in the Commons on the PEERAGE BILL.] December 1. Upon a message from the Lords, by the lord chief justice King, and the lord chief baron Bury, that the Lords had passed a Bill, intitled, 'An Act for the Settling 'the Peerage of Great Britain:' to which they desired the concurrence of the Commons, the said Bill was read the first time, and a motion being made, That the said bill be read a second time the Friday next ensuing, the same was opposed by a great many members, who moved, That this important affair might be put off to the 18th of this month; which last motion, after a long and warm debate, was carried by a majority of 203 against 158.

December 18. The engrossed Bill from the Lords, intitled, 'An Act for the Settling the 'Peerage of Great Britain,' was read a second time, and a motion being made by the lord William Paulet, teller of the Exchequer and member for Winchester, for committing the Bill, which was seconded by sir Charles Hotham, the same occasioned a warm debate, which lasted from one o'clock in the afternoon till near nine at night. The members who spoke for committing the Bill, were lord William Paulet, sir Charles Hotham, col Moreton, Mr. Hampden, Mr. Craggs, Mr. Plummer, Mr Lechmere, Mr. Aislabie, serjeant Penzelly, and Mr Hungerford; against committing it, Sir Richard Steele, Mr. Pitt, sir Wilfrid Lawson, Mr Horatio Walpole, Mr. Wykes, sir John Packington, Mr Methuen, Mr Herne, Mr Tuffnell, Mr. R. Walpole, and Mr John Smith.

Sir *Richard Steele* spoke first against committing the Bill as follows:

"Mr Speaker; I am against the Bill, because I fear it may change this free state into the worst of all tyrannies, that of an aristocracy, which is the most likely consequence to attend such a law as this would be. The whole tenor of the Bill is very unfortunately put together, if any thing, but an addition of power to the peers, is intended by it." All mankind must

* "It so happened that (1713-19) a controversy was agitated with great vehemence between those friends of long continuance, Addison and Steele. It may be asked, in the language of Homer, what power or what cause should set them at variance. The subject of their dispute was of great importance. The earl of Sunderland proposed an act called the Peerage Bill; by which the number of peers should be fixed, and the king restrained from any new creation of nobility, unless when an old family should be extinct. To this the Lords would naturally agree; and the king, who was yet little acquainted with his own prerogative, and, as is now well known, almost indifferent to the possession of the crown, had been persuaded to consent. The only difficulty was found among the Commons, who were not likely to approve the perpetual exclusion of themselves and their posterity. The Bill therefore was eagerly opposed, and among others by sir Robert Walpole, whose speech was published.

"The Lords might think their dignity diminished by improper advancements, and particularly by the introduction of twelve new peers at once, to produce a majority of Tories in the last reign: an act of authority violent enough, yet certainly legal, and by no means to be compared with that contempt of national right with which, anne time afterwards, by the instigation of Whiggism, the Commons, chosen by the people for three years, chose themselves for seven. But whatever might be the disposition of the Lords, the people had no wish to encrease their power. The tendency of the Bill, as Steele observed in a letter to the earl of Oxford, was to introduce an aristocracy; for a majority in the House of Lords, so limited, would have been despotic and irresistible.

"To prevent this subversion of the ancient establishment, Steele, whose pen readily seconded his political passions, endeavoured to alarm the nation, by a pamphlet called The Plebeian. To this an answer was published by Addison, under the title of The Old Whig, in which it is not discovered that Steele was then known to be the advocate for the Commons. Steele replied by a second Plebeian, and, whether by ignorance or by courtesy, confined himself to his question, without any personal notice of his opponent. Nothing hitherto was committed against the laws of friendship or proprieties of decency; but controvertists cannot long retain their kindness for each other. The Old Whig answered the Plebeian, and could not forbear some contempt of "little Dicky, "whose trade it was to write pamphlets." Dicky, however, did not leave his settled veneration for his friend; but contented himself

allow, that the only plausible reason for this law, was what happened in the last reign, when twelve peers were made in one day; but the Preamble assigns no such reasons, but says, 'That sixteen peers of Scotland, by reason of 'many new creations since the Union, are not a 'sufficient and proportionable representative 'of that nobility. And therefore they shall hereafter not be represented at all: but, 'A 'thing much more suitable to the peerage of 'Scotland ought to be done for them,' to wit, 'That twenty-five of them should, at all times 'hereafter, have hereditary seats in parliament'.

"I always imagined that no man could judge what was suitable to him but himself; and that it could be no manner of comfort to one who has any thing taken from him, that the possession of it is more suitably placed in another. How is it suitable to the peerage of Scotland, that instead of having a representative of sixteen sitting by their election, they are hereafter to be favoured with having 25 there instead of them, and not one there in their behalf? It must be confessed, that the peers of Scotland cannot complain of any thing like being tricked; but their potential seats in parliament are barred and taken from them, not by collusion and double dealing, but by the most unreserved and candid usurpation imaginable: but though this is done with so much ease, and no reason given but that they who do it, are pleased to say it is most suitable; it is to be presumed, that those, whose consent is necessary for the divesting innocent men of their liberty and honour, will desire some better account of the matter, before they deprive their fellow-subjects of their undoubted rights. I cannot but, from a natural detestation of injustice, say, that is the highest wrong done to the lodulgence mentioned in the preamble, to expect it will be granted in favour of any men in wrong of any other; and I doubt not but this House will alarm that benignity from being employed to the destruction of itself, or oppression of others.

"I hope the best man and best prince in the world, will be gracious, so as to have it always in his power to be gracious: I am sure he will never give his people any reason to complain, but of his too great goodness: happy the sovereign and happy the people, when excessive grace is all that can be feared of him.

"The Peers of Scotland have an indefeasible right, by the Act of Union, to be elected and serve in parliament as peers of Great Britain, in the manner therein stipulated, and it would be but more cruel, not more unjust, to take from them their lives and fortunes, than this honour and privilege, which their ancestors purchased by the frequent hazard of theirs: the terms of the Union are plain and absolute; nor can any privilege, liberty, or property secured by it to the meanest subject of either nation, be violated or altered against his will, and no satisfactory reparation done him, without infringement of the whole act, and leaving the persons so injured, at liberty to avenge by force what was done by it: for protection and obedience are reciprocal, and withdrawing the one, discharges the other. What then is the condition of these unhappy men, who are to be divested of their rights and privileges of subjects, and yet, no doubt, to be deemed traitors, should they fly to any foreign power, or invader of that nation, which has in the dearest and greatest considerations, those of honour and distinction, made them foreigners? The terms of the Union cannot be revoked without dissolving the kingdoms; for when that is done they are no longer held together by the law, but by force; and the power which then keeps us together must be arbitrary, not legal; or illegal, not righteous; for a law, not supported by justice, is in itself null and void; nor are the makers of it legislators, but oppressors. It appears, without any possible contradiction, that the parliament of Great Britain cannot exclude the peers of Scotland from the benefit of the 23d Article in the Act of Union,* without becoming an arbitrary power, acting with no indifference to good and evil, on the foundation of might only.

"We are safer under the prerogative in the king, than we can be under an aristocracy. The prerogative is a power in the sovereign, not expressed or described in the laws, but to be exercised in the preservation of them by the rule of the general good: and if it could be proved, that the business of the twelve gentlemen, (meaning the twelve lords created by queen Anne in the time of the earl of Oxford's ministry) was purely done to save the nation, and that it was done for the good of the whole, the statesman, who advised it, would deserve the thanks of all mankind, for exposing himself to the misrepresentation and resentment of future parliaments, for the good of his fellow-subjects.

"I will not pretend to doubt but those noble personages have, under the hands and seals of all and every of their electors, the peers of Scotland, full power and authority for this alteration, without which their proceeding could not be reconciled to common honour: and if the thirty odd, who are to be ennobled by this Bill, are

with quoting some lines of Cato, which were at once detection and reproof. The bill was laid aside during that session; and Addison died before the next, in which its commitment was rejected by 265 against 177.

"Every reader surely must regret that these two illustrious friends, after so many years past in confidence and endearment, in unity of interest, conformity of opinion, and fellowship of study, should finally part in acrimonious opposition. Such a controversy was 'Bellum 'plusquam civile,' as Lucan expresses it. Why could not faction find other advocates? but among the uncertainties of the human state, we are doomed to number the instability of friendship." Dr. Johnson's Life of Addison.

* See vol. 8, Appendix, p. ccxli.

to be made up by present members of the House of Commons, such members are to climb to honour through infamy.

"The Bill seems to me to be calculated for nothing but an aristocracy, and indeed, has not so much as the appearance of any thing else; for though a man of honour and conscious integrity knows, that no is a peer for the sake of his fellow-subjects, and that this right is vested in him and his family for the sake of society, not for himself and successors only, yet is there no part of society considered in this bill, but merely the peers and nobles. The Lords exercise a power in the last resource: and on appeal lies to them from all the courts of Westminster-hall, for determining all the property of Great Britain, and yet they are willing to have a law, which must necessarily disable them from being a capable court of justice for the future; for the Bill even provides for their insufficiency as to this purpose, and there is a clause, which, instead of looking out for great and knowing men, is very careful to leave the power in the king to give titles, in case of extinctions, to minors: much of the same stamp is the partiality of the Bill, that females are excluded from their future right; as if a lady of good sense were not as capable of bringing into the world a man of sense, as a boy, under age, is of becoming a man of justice and honour from the mere recommendation of his fortune; for it is not to be doubted but that would be his best pretensions; but lords have thought it more eligible to have in view the providing rich husbands for their daughters from among the Commons, than the leaving it to their female heirs, to make Lords of the descendents of meritorious commoners.

"Thus this aristocracy is set out by this bill; for all the provisions and limitations of it regard only the titles and honours of the peers, and prodigious care is taken, that no one should suffer from possible contingencies and distant incidents among themselves, but no regard had to the known immediate present rights of those who do not sit in their House, but have title of election into it: there is no difficulty of destroying those whom they know to have titles, but they are prodigious tender of hurting those who may have titles, of which they do not know: the lords will be judges, and give and admit to whom they please incident claims; but extinctions are to be supplied only by the king, and he might possibly give them to persons they should not like. The restraint of the peers to a certain number will make the most powerful of them have the rest under their direction; and all the property disposed before them will be bestowed, not by judgment, but by vote and humour, or worse. Judges so made by the blind order of birth will be capable of no other way of decision.

"It is said that power attends property; but it is as true, that power will command property; and according to the degeneracy of human nature, the Lords may as well grow corrupt as other men; and if they should do so, how will this be amended, but by the consent of those, who shall become so corrupt? What shall we say then? Shall we expose ourselves to probable evils, with the foresight of impossible remedies against them?

"It is hardly to be read seriously, when the Bill in a grave stile and sober contradiction has these words, viz. 'the twenty-five peers on 'the part of the peerage of Scotland;' as if they who were made instead of the peers of Scotland, could, without a banter, be called peers on the part of the peerage of Scotland; the true description of them is, peers made when the peers of Scotland were no more to be peers; for the title resting in their families, without hopes of succession in the peerage and legislature, is only a bar against any participation of power and interest in their country; it is putting them into the condition of papists convict, as to what ought to be most dear to them, their honour and reputation. It is held by true politicians a most dangerous thing to give the meanest of the people just cause of provocation; much more to enrage men of spirit and distinction, and that too with downright injuries.

"We may flatter ourselves, that property is always the source of power; but property, like all other possessions, has its effects according to the talents and abilities of the owner; and as it is allowed, that courage and learning are very common qualities in that nation, it seems not very advisable to provoke the greatest, and, for ought we can tell, the best men among them. Thus we are barred from making this law by prudential reasons, as well as from the inviolable rule of justice and common right, with relation to the Scots Peers.

"If we consider the matter with regard to the king's prerogative, this law will diminish it to an irreparable degree, and it is a strange time to take away power, when it is in the possession of a prince, who uses it with so much moderation, that he is willing to resign it; but we are to consider the prerogative as part of the estate of the crown, and not consent to the taking it out of the crown, till we see just occasion for it. His majesty's indulgence makes it safe in his royal breast; and we know of nothing, any other of the family has done, to alter it for fear of him.

"The Prerogative can do no hurt, when ministers do their duty; but a settled number of Peers may abuse their power, when no man is answerable for them, or can call them to an account for their incroachments. It is said, and truly too, that the manner of their power will be the same as now, but then the application of it may be altered, when they are an unchangeable body: schemes of grandeur and oppression can be formed to invade the property, as well as liberty, of their fellow-subjects; which would, according to the present establishment, be vain to undertake, when they are subject to an alteration, before their project could be ripened into practice and usurpation.

"As for any sudden and surprizing way of

creation, That lies before the legislature for censure; and the great diminution which all creations bring upon the king's authority, is a sufficient defence against the abusive employment of that authority this way. For when the king makes peers, he makes perpetual opponents of his will and power, if they shall think fit; which one consideration cannot but render frequent creations terrible to the crown. This Constitution has subsisted in spite of convulsions and factions, without restraining or repressing the extent of the legislative powers; nor is it possible for any man, or assembly of men, to circumscribe their distinct authorities: No, they are to be left eternally at large; and the safety of each part, and the good of the whole, are to be the rules of their conduct. And as it is impossible to foresee all the circumstances which must arise before them, there is no safe way but leaving them at large, as vigilant checks upon each other, unconfined, but by reason and justice.

"If there was any outrage committed in the case of the twelve gentlemen, the peers should have then withstood the receiving of them, or done what they thought fit at another season for their satisfaction; and not, when it is too late, instead of asserting their liberties, meditate their future security in unreasonable concessions from the crown, and discouragements upon the merits of the Commons. and can the gentlemen in present power reasonably think, that the consummation of the English glory and merit, is to close and rest in their persons?

"After the Bill has sufficiently provided for the aristocracy over these dominions, it goes into a kind of oeconomy and order among themselves, which relates to their nobility and not to their Peerage. We plain men and Commoners will not dispute about any thing which we know to be merely trifling and ornamental; and if they will be satisfied with a power in them as peers, they shall be dukes, marquises, earls, or whatever other words they please, without our envy or opposition: But when we come seriously to consider what we are going to do, we must take the liberty to be very jealous, at the last time, that it may be in our power to make a stand for ourselves and posterity; and noblemen cannot blame commoners, who are as shy in bestowing, as they are importunate in urging, the grant of such a power in themselves, which can be of no use or advantage but to themselves: at the same time one cannot resist observing to them, that, with respect to the prerogative, the peerage of Scotland, and the rights of the whole body of the people of Great Britain, they cannot be more exorbitant in the use of this Bill, should it become a law, than in the circumstances under which they send it to us for our concurrence; and it is not thirst of power, but moderation in the demands made of it, which can recommend men to farther trust; and I cannot but apprehend that what is founded on usurpation, will be exerted in tyranny.

"It is to be hoped, that this unreasonable Bill will be entirely rejected; since none can pretend to amend what is in its very nature incorrigible; for it would be in vain to attempt a good superstructure, upon a foundation which deserves nothing but indignation and contempt.

"It is a melancholy consideration, that under the pressure of debts, the necessities of a war, the perplexities of trade, and the calamities of the poor, the legislature should thus be taken up and employed in schemes for the advancement of the power, pride, and luxury, of the rich and noble. It is true, this affair ought to be treated in a most solemn manner, by reason of the awful authority from whence it comes; but we must not, on such occasions, be oppressed by outward things, but look to the bottom of the matter before us, divested of every thing that can divert us from seeing the true reason of what passes, and the pretensions to what is asked.

"If this Bill is required for preventing the creation of occasional peers, why, at the same time, are 25 Scots, and 8 English, to be now made? Is not this the same thing, as to say, if you will let us make so many this one time, under the sanction of a law, we will make no more, for we shall have no occasion for any more? The latter end of this Bill seems to have some compassion towards the prerogative, and enacts something gracious towards the descendents of the sovereign, before the commencement of the Aristocracy, viz 'Provided 'always nevertheless, That nothing in this act 'contained, shall be taken or construed to lay 'any restraint upon the king's majesty, his heirs 'or successors, from advancing or promoting 'any peer having vote and seat in parliament, 'to any higher rank or degree of dignity or 'nobility; nor from creating or making any 'of the princes of the blood peers of Great 'Britain, or Lords of Parliament, and such 'princes of the blood, so created, shall not be 'esteemed to be any part of the number to 'which the peers of Great Britain are by this 'act restrained.' This is the grace and favour, which, as soon as all their own posterity and accidents that could befall them, are provided for, is most bounteously bestowed on the children of the royal family; As this goodness is conferred on those of it, who are not yet intitled to that honour, it is to be presumed, that nothing vested in others of them will be assaulted; but that whatever becomes of this Bill, their present estates, their then remaining estates, will be still inviolable.

"Since there is so full a House at this debate, I doubt not but it will infallibly end according to justice; for I can never think the liberty of Great Britain in danger at such a meeting; but for my part, I am against committing of this bill, because I think it would be committing of sin."

Mr. *Pitt*, member for Old Sarum, spoke next against the projectors of this Bill, whom he taxed with mean obsequiousness to foreigners, and with designs against the liberties of their countrymen.

Sir *Wilfred Lawson*, and Mr. Horatio Wal-

pole, who spoke on the same side, were answered by colonel Moreton.

Sir *John Packington* spoke as follows:

Mr Speaker We have all the reason in the world to acknowledge the good intentions his majesty has been pleased to express in his speech for the good of his subjects and the liberty of our constitution; but, in my opinion, his majesty is not rightly informed of the manner of making his subjects feel the effects of those gracious intentions; and in particular, the Bill now before us is a very improper return to all the demonstrations of duty, zeal, and affection, which his faithful Commons have given since his majesty's happy accession to the throne. When the king and his ministers thought fit to enter into a strict alliance with France, and thereby give that ancient and almost irreconcilable enemy of England, an opportunity to retrieve the extreme low and desperate condition of their affairs, the Commons did not oppose those measures. When his majesty judged it necessary, either for the good of his subjects, or to secure some acquisitions in Germany, to declare war against Sweden, and to send strong squadrons into the Baltic, his faithful Commons readily provided for those great expences. When afterwards it was thought proper to deprive his majesty's subjects of the beneficial trade to Spain, by declaring war against that crown, and sending a fleet into the Mediterranean to serve as ferry boats for the emperor's troops, the good natured Commons approved those wise counsels. After all these and several other instances of obsequiousness and complaisance, which this House has shewn for the ministers, it is matter of wonder we should, at last, be no better rewarded, than by a Bill, visibly calculated to exclude the Commons from titles of honour, and to raise the dignity and power of the peers. It seems to have been the principal design of the ministry, since the beginning of this reign in particular, to give one family the absolute disposal of all honours and favours. For my own part, I never desire to be a lord, but I have a son, who may one day have that ambition; and I hope to leave him a better claim to it, than a certain great man (meaning general Stanhope) had, when he was made a peer. It is, indeed, an extraordinary and unexampled condescension in his majesty, to part with so valuable a branch of his royal prerogative, as in the bestowing marks of honour and distinction on such as have deserved them, by their eminent virtues and services to their king and country, however, considering what equivalent is given by this bill to his majesty, no body will wonder at this concession, if it reached no further than his majesty: but I hope this House will never concur in depriving of so bright a jewel of the crown, the prince, who, in his proper turn, is to wear it; and who is so worthy of it by all the royal virtues that shine in his person; and which, during his regency, have gained him the hearts and affections of all true Englishmen. And if some persons have, through their indiscretion, occasioned an unhappy difference, I am apprehensive, that if this Bill, so prejudicial to the rights of the presumptive heir, should pass into a law, it may render that division irreconcileable; and therefore I am against the committing this Bill.

Mr *Hampden* answered one of the most material objections against the Bill, viz. That it would give the peerage an aristocratical authority; and endeavoured to shew on the contrary, That the limiting the number of the peers would rather diminish than increase their power and interest, since these were mainly owing to the constant addition of riches which the peerage receives by the ennobling of wealthy commoners.

Mr. *Craggs* spoke on the same side, and urged, That his majesty, since his accession to the throne, had had no other view than to procure the good and happiness of his subjects and to secure their rights and liberties. That having in his royal wisdom considered the abuse that was made, in the last reign, of that branch of the prerogative, relating to the creating of peers, which abuse had brought the liberties of Great Britain, and of all Europe, into imminent danger; his majesty through a condescension worthy of a prince truly magnanimous, had graciously been pleased to consent, that such bounds be set to that part of the prerogative, as may prevent any exorbitant and dangerous exercise of it for the time to come. That it was only in the reigns of good princes, that legislators had opportunities to remedy and amend the defects to which all human institutions are subject; and, that, if the present occasion of rectifying that apparent flaw in our constitution were lost, it might perhaps never be retrieved.

Mr *Methuen* answered Mr. Craggs, and shewed the danger of making alterations in the fundamental laws and ancient constitution; urging the comparison of a building, in which the removing one single stone from the foundation may endanger the whole edifice.

Mr. *Herne* spoke on the same side.

Mr. *Lechmere* owned, That he did not like this bill, as it was sent down to them, yet he did not doubt but it might be made a good one, provided the Lords would give the Commons an equivalent, and suffer them to share several privileges and advantages, which their lordships enjoy. Therefore he insisted on the committing of the bill, that they might make amendments to it; and as to the objection, that it was dangerous to make any innovations in the constitution, he alledged several instances, particularly, the act for limiting the Succession and the Act of Union, which, indeed had altered, but, on the other hand, had rather improved and strengthened, than prejudiced the original constitution.

Mr. *Robert Walpole* next rose, and spoke as follows.

"Among the Romans, the wisest people upon earth, the Temple of Fame was placed

behind the Temple of Virtue, to denote that there was no coming to the Temple of Fame, but through that of Virtue. But if this Bill is passed into a law, one of the most powerful incentives to virtue would be taken away, since there would be no arriving at honour, but through the winding-sheet of an old decrepit lord, or the grave of an extinct noble family; a policy very different from that glorious and enlightened nation, who made it their pride to hold out to the world illustrious examples of merited elevation,

'Patere honoris scirent ut cuncti viam'

"It is very far from my thoughts to depreciate the advantages, or detract from the respect due to illustrious birth; for though the philosopher may say with the poet,

'Et genus et proavos, et quæ non fecimus ipsi,
'Vix ea nostra voco,'

yet the claim derived from that advantage, though fortuitous, is so generally and so justly conceded; that every endeavour to subvert the principle, would merit contempt and abhorrence. But though illustrious birth forms one undisputed title to pre-eminence, and superior consideration, yet surely it ought not to be the only one. The origin of high titles was derived from the will of the sovereign to reward signal services, or conspicuous merit, by a recompence which, surviving to posterity, should display to all ages the virtues of the receiver, and the gratitude of the donor. Is merit then so rarely discernible, or is gratitude so small a virtue in our days, that the one must be supposed to be its own reward, and the other limited to a barren display of impotent good-will? Had this bill originated with some noble peer of distinguished ancestry, it would have excited less surprize; a desire to exclude others from a participation of honours, is no novelty in persons of that class: 'Quod ex 'aliorum meritis sibi arrogant, id mihi ex meis 'ascribi nolunt.'

"But it is matter of just surprise, that a bill of this nature should either have been projected, or at least promoted by a gentleman*, who was, not long ago, seated amongst us, and who, having got in to the House of Peers, is now desirous to shut the door after him.

"When great alterations in the constitution are to be made, the experiment should be tried for a short time before the proposed change is finally carried into execution, lest it should produce evil instead of good, but in this case, when the bill is once sanctioned by parliament, there can be no future hopes of redress, because the upper House will always oppose the repeal of an act, which has so considerably increased their power. The great unanimity with which this Bill has passed the Lords, ought to inspire some jealousy in the Commons; for it must be obvious, that whatever the Lords gain, must be acquired at the loss of the Commons, and the diminution of the regal prerogative; and that in all disputes between the Lords and Commons, when the House of Lords is immutable, the Commons must sooner or later, be obliged to recede.

"The view of the ministry in framing this bill, is plainly nothing but to secure their power in the House of Lords. The principal argument on which the necessity of it is founded, is drawn from the mischief occasioned by the creation of twelve peers, during the reign of queen Anne, for the purpose of carrying an infamous Peace through the House of Lords; that was only a temporary measure, whereas, the mischief to be occasioned by this bill, will be perpetual. It creates 31 peers by authority of parliament, so extraordinary a step cannot be supposed to be taken without some sinister design in future. The ministry want no additional strength in the House of Lords, for conducting the common affairs of government, as is sufficiently proved by the unanimity with which they have carried through this bill. If, therefore, they think it necessary to acquire additional strength, it must be done with views and intentions more extravagant and hostile to the constitution, than any which have yet been attempted. The bill itself is of a most insidious and artful nature. The immediate creation of nine Scotch peers, and the reservation of six English peers for a necessary occasion, is of double use; to be ready for the House of Lords if wanted, and to engage three times the number in the House of Commons by hopes and promises.

"To sanction this attempt, the king is induced to affect to wave some part of his prerogative; but this is merely an ostensible renunciation, unfounded in fact, or reason. I am desirous to treat of all points relating to the private affairs of his majesty, with the utmost tenderness and caution, but I should wish to ask the House, and I think I can anticipate the answer; has any such question been upon the tapis, as no man would forgive the authors, that should put them under the necessity of voting against either side?* Are there any misfortunes, which every honest man secretly laments and bewails, and would think the last of mischiefs, should they ever become the subject of public and parliamentary conversations? Cannot numbers that hear me testify, from the solicitations and whispers they have met with, that there are men ready and determined to attempt these things if they had a prospect of success? If they have thought, but I hope they are mistaken to their opinion of the House, that the chief obstacle would arise in the House of Lords, where they have always been tender upon personal points, especially to any of their own body, does not this project enable them to carry any question through the House of Lords? Must not the twenty-five Scots Peers accept,

* Lord Stanhope.

* He here probably alluded to the misunderstanding between the king and prince of Wales.

upon any terms, or be for ever excluded? Or will not twenty-five be found in all Scotland that will? How great will the temptation be likewise to six English, to fill the present vacancies? And shall we then, with our eyes open, take this step, which I cannot but look upon as the beginning of woe and confusion, and shall we, under these apprehensions, break through the Union, and shut up the door of honour? It certainly will have that effect; nay, the very argument advanced in its support, that it will add weight to the Commons, by keeping the rich men there, admits that it will be an exclusion.

"But we are told, that his majesty has voluntarily consented to this limitation of his prerogative. It may be true; but may not the king have been deceived? Which if it is ever to be supposed, must be admitted in this case. It is incontrovertible, that kings have been overruled by the importunity of their ministers to remove, or to take into administration, persons who are disagreeable to them. The character of the king furnishes us also a strong proof that he has been deceived; for although it is a fact, that in Hanover, where he possessas absolute power, he never tyrannised over his subjects, or despotically exercised his authority, yet, can one instance be produced when he ever gave up a prerogative?

"If the constitution is to be amended in the House of Lords, the greatest abuses ought to be first corrected. But what is the abuse, against which this bill so vehemently inveighs, and which it is intended to correct? The abuse of the prerogative in creating an occasional number of peers, is a prejudice only to the Lords, it can rarely be a prejudice to the Commons, but must generally be exercised in their favour; and should it be argued, that in case of a difference between the two Houses, the king may exercise that branch of his prerogative, with a view to force the Commons to recede, we may reply, that upon a difference with the Commons, the king possesses his negative, and the exercise of that negative would be less culpable than making peers to screen himself.

"But the strongest argument against the bill is, that it will not only be a discouragement to virtue and merit, but would endanger our excellent constitution; for as there is a due balance between the three branches of the legislature, it will destroy that balance, and consequently subvert the whole constitution, by causing one of the three powers, which are now dependant on each other, to preponderate in the scale. The Crown is dependent upon the Commons by the power of granting money; the Commons are dependent on the Crown by the power of dissolution. the Lords will now be made independent of both.

"The sixteen elective Scotch peers already admit themselves to be a dead court weight, yet the same sixteen are now to be made hereditary, and nine added to their number. These twenty-five, under the influence of corrupt ministers, may find their account in betraying their trust; the majority of the Lords may also find their account in supporting such ministers, but the Commons, and the Commons only, must suffer for all, and be deprived of every advantage If the proposed measure destroys two negatives in the crown, it gives a negative to these twenty-five united, and confers a power, superior to that of the king himself, on the head of a clan, who will have the power of recommending many The Scotch commoners can have no other view in supporting this measure, but the expected aggrandizement of their own chiefs. It will dissolve the allegiance of the Scotch peers who are not amongst the twenty-five, and who can never hope for the benefit of an election to be peers of parliament, and almost enact obedience from the sovereign to the betrayers of the constitution

"The present view of the Bill is dangerous; the view to posterity, personal and unpardonable; it will make the Lords masters of the king, according to their own confession, when they admit, that a change of administration renders a new creation of peers necessary; for by precluding the king from making peers in future, it at the same time precludes him from changing the present administration, who will naturally fill the vacancies with their own creatures; and the new peers will adhere to the first minister, with the same zeal and unanimity as those created by Oxford adhered to him.

"If when the parliament was made septennial, the power of dissolving it before the end of seven years had been wrested from the crown, would not such an alteration have added immense authority to the Commons? And yet, the prerogative of the crown in dissolving parliaments, may be and has been oftener abused, than the power of creating peers.

"But it may be observed, that the king, for his own sake, will rarely make a great number of peers; for they, being usually created by the influence of the first minister, soon become, upon a change of administration, a weight against the crown; and had queen Anne lived, the truth of this observation would have been verified in the case of most of the twelve peers made by Oxford. Let me ask, however, is the abuse of any prerogative a sufficient reason for totally annihilating that prerogative? Under that consideration, the power of dissolving parliaments might to be taken away, because that power has been more exercised, and more abused than any of the other prerogatives; yet in 1641, when the king had assented to a law that disabled him from proroguing or dissolving parliament, without the consent of both Houses, he was from that time under subjection to the parliament, and from thence followed all the subsequent mischiefs, and his own destruction. It may also be asked, Whether the prerogative of making peace and war has never been abused? I might here call to your recollection the Peace of Utrecht, and the present war with

Spain. Yet who will presume to advise that the power of making war and peace, should be taken from the crown?

"How can the Lords expect the Commons to give their concurrence to a bill by which they and their posterity are to be for ever excluded from the peerage? How would they themselves receive a bill which should prevent a baron from being made a viscount, a viscount an earl, an earl a marquis, and a marquis a duke? Would they consent to limit the number of any rank of peerage? Certainly none; unless, perhaps, the dukes. If the pretence for this measure is, that it will tend to secure the freedom of parliament, I say that there are many other steps more important and less equivocal, such as the discontinuance of bribes and pensions.

"That this bill will secure the liberty of parliament, I totally deny; it will secure a great preponderance to the peers; it will form them into a compact impenetrable phalanx, by giving them the power to exclude, in all cases of extinction and creation, all such persons from their body, who may be obnoxious to them In the instances we have seen of their judgment in some late cases, sufficient marks of partiality may be found to put us on our guard against the committing to them the power they would derive from this bill, of judging the right of latent or dormant titles, when their verdict would be of such immense importance. If gentlemen will not be convinced by argument, at least, let them not shut their ears to the dreadful example of former times; let them recollect that the overweening disposition of the great barons, to aggrandize their own dignity, occasioned them to exclude the lesser barons, and to that circumstance may be fairly attributed the sanguinary wars which so long desolated the country."*

Mr. *Aislabie*, Chancellor of the Exchequer, stood up next, and answered a material objection that had been raised against the bill, viz. 'That it was dangerous to make any innovations in the constitution,' and made it appear, that several alterations had been made in the original constitution by Magna Charta, the Habeas Corpus Act, and several other laws made for the benefit of the subject; and upon the whole was for committing the bill He was backed by serjeant Pengelly, but they were opposed by

Mr. *Smith*, who urged, That the foundation of this bill being wrong and faulty, there was no room for amendments, and therefore he was against committing it.

Mr. *Hungerford*, who brought up the rear, was for committing the bill.

The Peerage Bill rejected by the Commons.] At about a quarter past eight in the evening, the question being put upon lord William Paulet's motion, the same was carried in the negative, by a majority of 269 voices against 177, so that including the two tellers on each side, there were 450 members in the House After this the prevailing party, to signalize their victory, moved, and it was resolved without a division, "That the Bill be rejected."

List of the Members who voted for and against the Peerage Bill.] Shortly after the rejection of this Bill there appeared the following

LIST of the Members of the House of Commons, who voted for and against the PEERAGE BILL.

For the Bill.

Abercromby, Alex.	Campbell, hon J. sen.
Aislabie, hon. John	Campbell, hon J jun.
Anstruther, sir J. bt	Campbell, Daniel
Ashurst, sir Henry	Carbery, lord
Bailie, George	Carpenter, lord
Banks, Joseph	Carter, Lawrence
Bellamy, William	Cartwright, Henry
Bere, Thomas	Caswal, sir George
Bigg, John	Cater, John
Bise, Stephen	Chetwynd, Walter
Birch, John	Chetwynd, John
Bladen, col. Martin	Chatwynd, William
Blackiston, Nathaniel	Churchill, Joshua
Bond, Dennis	Clarke, sir Robert
Boscawen, Hugh	Clayton, William
Boteler, John	Cockburn, John
Bruce, John Thurloa	Corbet, sir Robert
Braddyl, Doddington	Craggs, James, jun.
Bradshaigh, sir R. bt.	Davies, sir William
Bronghton, sir Bryan	Darcy, hon. Conyers
Brudenel, Hon. James	Deacle, John
Bruere, George	Delaval, George
Buckingham, Owan	Dillington, sir Tris bt.
Burford, Earl of	Docminique, Paul
Cadogan, hon Charles	Douglas, hon. col G.
Campbell, sir James	Douglas, William, jun.

* "The substance of this speech is collected from memorandums in sir Robert Walpole's own hand writing, among lord Orford's papers. —See also, Onslow on Opposition, Correspondence, Period II.—Historical Register, 1719. —Chandler" Coxe's Walpole

"Mr Walpole's performance in this debate, I have heard, for I was not then come into parliament, was very great, and had as much of natural eloquence and of genius in it as had been heard by any of the audience within those walls. His topics were popular, and made for those he hoped to bring over. He talked of the honours of peerage as the constitutional reward of great qualities and actions only, in the service of the commonwealth, and to be kept open for that purpose That the usual path to the temple of honour had been through the temple of virtue; but by this bill it was now to be only through the sepulchre of a dead ancestor, without merit or fame. In this strain he bore down every thing before him, even against very able performances, by many very considerable persons who spoke on the other side of the question." (Speaker Onslow's Remarks on sir Robert Walpole's Conduct. See Coxe's Walpole, vol. 3, p. 553, 4to Ed. 1798.

Egerton, hon. William
Elliot, Edward
Erle, Giles
Eyles, sir John
Eyre, Giles
Farrer, William.
Ferguson, Alexander
Fielding, hon William
Forbes, John
Fowler, sir R. bt.
Gordon, sir William bt.
Grahme, hon. James
Granby, marquis of
Grantham, Richard
Greenville, Richard
Gregory, George
Grimstone, William
Guidott, William
Haldane, Patrick
Baldane, Mungo
Halsey, Edmund
Hamilton, lord A.
Hampden, Richard
Hardress, John
Heathcote, sir G. kt.
Heathcote, John
Henley, John
Hertford, earl of
Hildersden, William
Hill, sir Roger, kt.
Houghton, sir H. bt.
Hopkins, Edward
Hoskins, sir H. bt.
Hotham, sir Charles
Bungerford, John
Jenkins, Tobias
Jennings, Philip
Jessop, William
Ingram, hon Arthur
Ingram, Arthur
Johnson, sir T. kt.
Kelsall, Henry
Ker, hon. William
Knight, John
Lechmere, Nicholas
Leigh, John
Lenuard, sir Samuel, kt. and bt.
Littleton, Thomas
Lomax, Joshua
London, John
Long, col Charles
Lowe, Samuel
Lowndes, William
Lawther, sir William
Mason, Charles
Maynard, Thomas
Meyrick, Owen
Micklethwaite, Joseph
Middleton, John
Milner, James
Miltoun, lord visc.
Minshull, Edward
Monro, Robert
Montrath, earl of
Moreton, M. Ducie
Morgan, Anthony
Morpeth, H. lord visc.
Murray, lord James
Negus, Francis
Offley, Crew
Onslow, Denzil
Palmer, sir Thomas
Papillon, Philip
Pelham, hon Henry
Pelham, Thomas
Pengelly, Thomas
Philpot, Nicholas
Piers, William
Pigot, Robert
Pitt, Thomas, jun.
Plumer, Walter
Plumtree, John
Powlett, lord Harry
Powlett, lord William
Powlett, Norton
Pringle, John
Raymond, sir Robert
Rebow, sir Isaac, kt.
Rich, sir Robert
Roberts, Gabriel
Samwell, sir Thomas
Seymour, lord Piercy
Shannon, lord visc.
Shute, J. Barrington
Sloper, William
Smith, Thomas
Stanhope, lord Philip
Stanhope, Charles
Stanhope, col. W.
Stephens, Thomas
Stewart, William
Sutton, hon. Richard
Tench, sir Fisher
Thompson, William
Treby, George
Trelawney, John
Trevanion, John
Wade, George
Wager, sir Charles
Wallis, William
Wallop, John
Warrander, sir G. bt.
West, hon John
Westfaling, H. Rudhal
Wheat, sir Thomas
Winchcot, sir Francis
White, Thomas
Whitmore, William
Wittewrong, sir J. bt.
Wills, Charles
Worsley, sir R. bt.
Wylde, Thomas
Yonge, William

Against the Bill.

Allanson, Charles
Anstis, John
Archer, Andrew
Anstruther, Philip
Ashe, Edward
Ashe, William

Ashley, sir Jacob
Aylmer, lord
Bacon, Waller
Baker, George
Bampfield, sir Copleston Warwick
Barrymore, earl of
Basset, John
Bathurst, Benjamin
Beaumont, sir George
Bertie, hon James
Bertie, hon. Henry
Bets, William
Bland, sir John
Blundell, sir Montague
Booth, hon Langham
Bracebridge, Samuel
Bramston, Thomas
Bray, William
Bridgeman, sir Orlando
Briggs, sir Humphrey
Bristow, Robert
Brittle, Robert
Broderick, Thomas
Bromley, William
Bulkeley, sir Dewey
Bunbury, sir Henry
Butler, James
Calmady, Sulston
Calthorpe, Reynolds
Carew, sir William
Carew, Nicholas
Carteret, hon. Edward
Cartwright, Thomas
Castlemain, lord visc.
Chafin, George
Chaplin, sir Robert
Chiswel, Richard
Churchill, col. Charles
Clarke, Godfrey
Clarke, George L.L.D.
Clayton, William
Cocks, James
Codrington, John
Coffin, Richard
Colepeper, sir Thomas
Colemore, William
Compton, hon. Spencer
Conyers, John
Conyers, Thomas
Cope, sir Jonathan, bt.
Cope, sir John, kt.
Corance, Clement
Corbet, Andrew
Coryton, sir John
Cotton, sir John Hynde
Courtney, sir William
Cowper, Spencer
Cox, Charles
Cross, sir Thomas
Curzon, John
D'aeth, Sir Thomas
Davers, sir Robert
Delaune, William
Denton, Alexander
Deshouverie, sir Edw.
Devereux, lord Prae

Digby, hon. John
Distou, Josiah
Doddington, George
Doddington, Geo jun.
Dowdeswell, William
Drake, sir Fran. Henry
Drake, Mon. Gerrard
Drax, Henry
Drew, Francis
Ducane, Richard
Eden, John
Edgcomb, Richard
Elford, Jonathan
Elwes, sir Harvey
England, George
Earnly, sir Edward
Evelyn, George
Fane, hon. John
Fermanagh, lord visc.
Finch, lord
Fleetwood, John
Flemming, Richard
Foley, Richard
Foley, Thomas
Forrester, William
Frankland, Thomas
Freeman, Ralph
Fuller, Samuel Pargiter
Furnese, sir Robert
Gibbon, Sheps
Gnidolphin, Sidney
Godfrey, Peter
Gough, sir Richard, kt
Gould, Nathaniel
Greville, hon D.
Grosvenor, sir Richard
Gwyn, Francis
Hales, sir Thomas
Hanmer, sir Thomas
Harvey, Edward
Harvey, Daniel
Hedworth, John
Hellier, William
Herbert, James
Henle, Joseph
Herou, Henry
Hervey, lord Carr.
Heysham, Robert.
Heysham, William
Hickman, sir W. bt.
Hill, Samuel
Hilsborough, lord visc.
Hobart, sir John
Honeywood, Robert
Hopkins, John
Howe, sir Richard
Hutcheson, Archibald
Hyde, Robert
Janssen, sir Theodore
Jefferies, Edward
Jekyll, sir Joseph
Jenkinson, sir T. Banks
Jennings, sir John
Jennings, James
Jordan, William
Isham, sir Justinian, bt.
Jurye, sir Arthur, bt.

Knyvet, sir Charles, bart.
Knight, William
Kynaston, Corbet
Lade, John
Lambert, Edward
Lawson, Gilfrid
Lawson, sir Wilfrid
Lee, sir Thomas
Leicester, sir Francis
Leigh, hon. Charles
Lethuz, William
Lewen, sir William
Lewis, Thomas
Lister, Thomas
Long, sir James, bt.
Longueville, Charles
Lowther, James
Lumley, hon Henry
Lutwyche, Thomas
Masters, Thomas
Mead, sir Nathaniel
Medlicot, James
Methuen, Paul
Mews, sir Peter
Miller, Thomas
Molineux, Samuel
Monson, sir William
Montague, James
Montgomery, John
Morrice, Humphrey
Mostyn, sir Roger, bart.
Naylor, George
Neville, Grey
Newland, William
Nicholas, Edward
Noble, Thomas
Norris, sir John
Norris, Edward
North, hon. Dudley
Northey, sir Edward
Northoy, William
Northmore, W. jun.
Packer, Robert
Packington, sir John
Paget, lord
Palmer, sir Jeffery
Palmer, Thomas
Parker, sir Philip
Paske, Thomas, L.L.D.
Patoe, William
Pitt, George
Pitt, Robert
Put, Thomas
Poultney, William
Randyl, Morgan
Rashleigh, Philip
Read, sir Thomas, bt.
Rednall, Richard
Reynolds, James
Ryder, sir Barnham
Roberts, John
Rogers, Nathaniel
Rogers, sir John, bt.
Roll, Edward
Rowney, Thomas
Rudge, John
Sandford, sir R. bt.
Sawbridge, Jacob
Scawen, sir Tho. kt.
Scott, James, jun.
Seabright, sir T. Saunders
Selwyn, col John
Shepard, Samuel
Shippan, William
Shuttleworth, Richard
Smelt, Leonard
Smithson, Hugh
Smith, John
Smith, James
Snell, John
Sondes, Edw. ld. visc.
Stanwix, maj gen. T.
Steele, sir Richard, kt.
Stephens, William
Stepney, sir Thomas
Stonehouse, sir J bt.
St Quintin, sir W.
Strangeways, Thomas
Strading, sir Edward
Strickland, sir W. bt.
Swanton, Francis
Talbot, John Ivory
Thompson, sir W.
Townshend, hon. Hor.
Travers, Samuel
Trenchard, George
Taffnell, Samuel
Turner, sir Charles, kt.
Turner, sir Edward, knt
Turner, Cholmondley
Tyrconnel, J lord visc.
Tyrwhit, sir John, bt.
Vaughan, Richard
Vernon, Thomas
Vernon, Thomas
Urquhart, Alexander
Walcot, Humphrey
Walpole, Robert
Walpole, Galfridus
Walpole, Horatio
Walter, sir John, bt
Ward, sir John
Ward, William
Weaver, John
Webb, lieut general John
Wentworth, hon. Tho.
Wentworth, Thomas
Western, Thomas
Willoughby, hon. Fra.
Wilmar, William
Wilson, Daniel
Windsor, hon. Dixy
Worsley, James
Wortley, hon. Edw. M.
Wrightson, William
Wykes, William
Wyndham, sir W bt.
Wynne, Thomas
York, Daniel

FIRST PROPOSAL OF THE SOUTH SEA COMPANY* FOR REDUCING THE PUBLIC DEBTS] Jan 22, 1720. The Commons, in a grand committee, took into consideration that part of his majesty's Speech at the opening of this session, which relates to the Public Debts, and read the

* "The South Sea Company owed its origin to a chimerical project, formed by Harley in 1711, for the purpose of restoring public credit, which had been greatly affected by the dimission of the Whig ministry, and of establishing a fund for the discharge of the navy and army debentures, and the other parts of the floating debt, which amounted to 9,471,925*l.*; and was afterwards increased to 10,000,000*l.* With a view to settle a fund for paying the interest of 6 per cent. on these arrears, which amounted to the annual sum of 568,279*l.*, all the duties upon wines, vinegar, tobacco, India goods, wrought silks, whale fins, and a few other duties, were rendered permanent. In order to allure the creditors with the hopes of advantages from a new commerce, the monopoly of a trade to the South Sea, or coast of Spanish America, was granted to a company composed of the proprietors of this funded debt, which being incorporated by act of parliament, took the appellation of the South Sea Company. The great advantages to be derived from this commerce, had been exaggerated from the time of our first voyages to Spanish America, in the reign of Elizabeth, and still farther increased by the reports of the buccaneers. The considerable riches which France had brought from America, since the establishment of Philip the Fifth on the throne of Spain, had contributed to raise the sanguine expectations of the British merchants: a rumour, industriously circulated, that four ports on the coast of Peru and Chili, were to be ceded by Spain, inflamed the general ardour; the prospect of exchanging gold, silver, and rich drugs for the manufactures of England, were plausible allurements for an enterprising and commercial nation; and the mines of Potosi and Mexico, were to diffuse their inexhaustible stores through the medium of the new company.

"The famous act of parliament, which incorporated the subscribers of the debts, under the name of the governor and company of merchants of Great Britain trading to the South Seas and other parts of America, was called the earl of Oxford's master piece, and considered by his panegyrists as the sure means of bringing an inexhaustible mine of riches into England. But in fact this scheme was settled on a false foundation; for by the peace of Utrecht, Spain and the Indies being confirmed to Philip the Fifth, that monarch was too jealous to admit the English to a free trade in the South Sea, and instead of the advantageous commerce which Oxford had held forth, the company obtained only the Assiento contract, or the privilege of supplying the Spanish colonies of America with negroes for 30 years, with

Account of those Debts, as they stood at the Exchequer, at Michaelmas, 1719; as also a Proposal of the South Sea Company, towards the Redemption and Sinking of the said debts: which Proposal is as follows.

To the honourable the Commons of Great Britain in Parliament assembled.

The Corporation of the governor and company of merchants of Great Britain, trading to the South Sea and other parts of America, and for encouraging the fishery, having under their consideration how they may be most serviceable to his majesty and his government; and to shew their zeal and readiness to concur in the great and honourable design of reducing the National Debts, in such manner as may be consistent with, and for the support of parliamentary credit, do humbly apprehend, That if the Public Debts and Annuities mentioned in the annexed Estimate were taken into, and made part of the capital stock of the said Company, it would greatly contribute to that most desirable end, which debts and annuities may be comprehended under the general heads following, viz.

ANNUITIES for Terms of Years.

Annuities granted for 99 years or 96 years, amounting to, per Ann. 667,705*l.* 8*s.* 1*d.* which at 20 years Purchase amounts to - - -	£	13,354,103	1 8
Lottery 1710, remaining unsubscribed to the company about 40,670*l.* 8*s.* per annum, which at 14 years purchase amounts to - - -		569,385	12 0
Annuities of 9*l.* per cent. amounting to 81,000*l.* per ann. at 14 years purchase, amount to - - - - - - - - - -		1,134,000	0 0
Total Value of the said Annuities - - - -	£	15,057,493	13 8

DEBTS Redeemable by Parliament.

Total of the rate of 5*l.* per cent. per annum. - - - - -		11,795,466	5 6½
Total after the rate of 4*l.* per cent. per ann. - - - - - -		4,128,752	7 4
Total of the said Redeemable Debts - - -	£	15,924,218	12 10½

Therefore they do humbly propose, That the said company may be permitted to enlarge their present capital, by taking in the said annuities, and debts at any time or times until Lady-day 1721, on the terms and conditions following; viz.

1. That the said annuities be taken into the said company, either by purchase, or voluntary subscription of the proprietors thereof, and without any compulsion on them, at such price and prices as shall be agreed between the company, and the proprietors of those annuities.

2 That for the annuities for 99 years, or 96 years, for every five pounds per annum taken into the company, there be 5*l.* per annum added to the company's present annuity, and 100*l.* to their capital stock, being after the rate of 20 years purchase.

3 That the residue of lottery 1710 be estimated at 14 years purchase, for the 23 years due on them from Michaelmas 1719; and that the annuities of 9 per cent. per annum be also estimated at 14 years purchase, for the 22¾ years due on them from Christmas 1719, and there be an addition to the stock and annuity

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the permission of sending to Spanish America an annual ship, limited both as to tonnage and value of cargo, of the profits of which the king of Spain reserved one fourth, and 5 per cent. on the other fourths. This disappointment was attempted to be counteracted by the declaration made by Oxford, that Spain had permitted two ships, in addition to the annual ship, to carry merchandize, during the first year to the northern coasts of Spanish America, and a pompous nomination of the several ports where the company had leave to trade, and settle factories. But the grand benefits of this commerce were never realised. The first voyage of the annual ship was not made till 1717, and in the following year, the trade was suppressed by the rupture with Spain. Their effects, factories, and servants were seized and detained, notwithstanding the agreement in the Assiento, which allowed, in case of a rupture, 18 months for the removal of their effects.

"Such was the state of the South Sea Company, when the ministry, instead of attempting to lessen the national incumbrances, by the only just and successful means, a clear and inviolable sinking fund, adopted the visionary schemes of projectors, and gave to the Company the power of fascinating the minds of the public, and spreading an infatuation similar to that which had recently involved France in a national bankruptcy. The grand point which government had in view, was the reduction of the irredeemable annuities, created in the reigns of William and Anne, for a period of 89, 96, and 99 years, amounted nearly to 800,000*l.* per annum, as no effectual measures could be adopted to lessen the public debts, whilst these annuities remained irredeemable.

"In order to effect this liquidation, the minister accepted proposals from the South Sea Company, for reducing the debts to a redeemable state: as the object of the ministers, who had previously and secretly arranged the scheme with the directors, was to surprise the House of Commons into the measure of granting this extensive privilege to the South Sea Company, and of preventing competition, they entertained the most sanguine hopes of success, from the specious advantages, which they held forth to the public, as the necessary consequences." Coxe's Walpole.

of the company proportionably, viz 70*l.* stock, and 3*l.* 10*s* per annum, annuity, for every 5*l.* per annum of those annuities which shall be taken into the company.

4. That the said redeemable debts be likewise taken into the said company, either by purchase, subscription, or paying them off by the said company.

5. That, for all the said redeemable debts, there be added 100*l.* to the capital stock of the said company, for every 100*l.* so taken in by them: and the like annuity added to the company's present annuity as is now payable for the interest of those debts.

6 That the company be allowed, for charges of management for their thus to be increased capital, so much as it now costs the government for the charges of paying, assigning, and accounting for, the said debts; or such a proportion thereof as the sum which shall be taken in by the company shall bear to the whole of those debts

7. That the present annuities for the company's present capital, and the annuities for the thus to be increased capital, be continued, at the rates aforesaid, till Midsummer 1727; and that, from and after that time, their then annuity for their whole capital stock shall be actually reduced to 4 per cent per annum, and likewise be thenceforth redeemable by parliament

8. That the company's present and to be increased allowance, for charges of management, do continue till their capital be redeemed, as their present allowances for management are.

9 That the annuities to the company, for their thus to be increased capital, be paid them weekly, as their present annuities are; and be charged on the funds now appropriated to the said debts and annuities so taken into the company.

10. That for the liberty of increasing their capital stock, as aforesaid, the company will give and pay into his majesty's exchequer, for the service of the public, and to be applied for paying off the public debts provided for by parliament before Christmas 1716, the sum of three millions and an half, by four equal quarterly payments, whereof the first payment to be at Lady-Day 1721.

11. That though the company's capital is proposed not to be redeemable until Midsummer 1727, yet they do submit, that so much as shall arise by the sinking funds before that time, may (from and after paying off such part of the public debts as may be redeemed within that time, and which shall not be taken into the said company) be applied at the end of every year, towards paying off, in even hundred thousand pounds, that part of the company's capital which carries 5*l.* per cent. per annum.

12. The said company do farther submit, that for such of the present exchequer-bills, as the parliament shall continue, and for such new ones as they shall impower the lords of the treasury to issue and circulate (without the subscription or contract of any persons or corporation) the company will be obliged (from and after Midsummer 1720, until the reduction of the annuities for their whole capital, to 4 per cent. per ann and no longer) to pay such proportion of money and interest as shall be found necessary by the lords of the treasury, or trustees to be appointed by them, to circulate the same, as the sum of one million shall bear to the total amount of such exchequer-bills: the company having the like proportion of the benefit of this interest which shall be saved on such bills, during the time they shall be in the hands of any public officer, or in the exchequer.

By order of the general court,
JOHN FELLOWS, Sub-Governor,
CHARLES JOYE, Dep. Governor.

ESTIMATE.—The particulars of the Government's Debts, proposed to be added to the capital stock of the South-Sea Company, viz.

Annual Sums. £.	s.	d.	*Annuities for 99 and 96 years.*	*Principal Sums.* £.	s.	d.
124,866	0	0	The 14*l.* per cent. turned into Annuities for 99 years.			
15 663	13	6½	Annuities for lives, ditto for 96 years.			
101,715	10	6½	Ditto on 3,700*l* per week excise.	Ann. for 99 years.		
46,000	0	0	On ditto a farther sum ditto.	ditto		
184,242	14	0	Tonnage and poundage, &c.	ditto		
72,187	10	0	On low wines, &c.	ditto		
40,000	0	0	Overplus of annuity-funds, &c.	ditto		
80,000	0	0	Old subsidy.	ditto		
667,705	8	1	per ann. being the amount of the 99 and 96 years annuities, granted by several acts of parliament, from 1692 to 1708, at 20 year's purchase, will make a principal sum of	13,354,108	1	8
81,000	0	0	per ann. annuities for 32 years, from Lady day, 1710, computed at 14 years purchase, makes	1,134,000	0	0
40,670	8	0	per ann. the remainder of the lottery 1710, not subscribed to the South-Sea Company, computed at 14 years, makes	569,385	12	0
				14,057,493	13	8

5l. per cent. Annuities, redeemable on the payment of the Principal Sums under-mentioned, viz.

	£.	s.	d.	£.	s.	d.
Bank annuities at one year's notice	1,079,000	0	0			
Several lotteries without notice	8,875,936	9	6			
Bankers annuities ditto	674,226	13	1½			
Lottery 1714, blank ditto	1,055,900	0	0			
Treasurer of the navy for a deficiency to the South-Sea Company	110,312	17	1¼			
				11,795,466	4	9½

4l per cent. Annuities, redeemable on the payment of the Principal Sums under-mentioned, viz.

	£.	s.	d	£.	s.	d
Civil list lottery, Anno 1713	563,300	0	0			
Lottery 1714, prizes	652,020	0	0			
Deficiency of low wines and candles, 1715	413,605	17	0			
Ditto of the funds ditto	509,127	5	6½			
Canada bills	24,195	18	2			
Army debts	965,917	19	6½			
Edward Hunt, esq; army debenture	585	7	1			
First lottery, 1719	500,000	0	0			
Second lottery, 1719	500,000	0	0			
				4,128,752	7	4
				15,924,218	12	1½

ABSTRACT of the Foregoing DEBTS.

	Redeemable Annual Sums.				*Principal Sums.*		
	£.	s.	d.		£.	s.	d.
The 5*l* per cent annuities	589,773	6	3		11,795,466	5	6½
The 4*l* per cent. annuities	165,150	1	10		4,128,752	7	4
Unredeemable.							
The 99 and 96 years annuities	667,785	8	1	at 20 years	13,354,108	10	8
32 years annuities from Lady-day, 1710	31,000	0	0	at 14 years	1,134,000	0	0
Remainder of the lott. 1710, unsubscribed	40,670	8	0	at 14 years	569,385	12	0
	1,544,299	4	2		30,981,712	6	6½

JOHN FELLOWS, Sub-Governor,
CHARLES JOYE, Dep. Governor.

This Proposal coming short of what was expected, and the friends of the Bank of England having represented, in behalf of this last corporation, the great and eminent services they had done to the government, in the most difficult times, and which deserved, at least, That if any advantage was to be made by any public bargains, they should be preferred before a company that had never done any thing for the nation, the farther consideration of that important affair was put off, till the 27th.

FIRST PROPOSAL OF THE BANK OF ENGLAND *for reducing the* PUBLIC DEBTS.] Jan. 27. The Commons, in a grand committee, considered farther of the Public Debts; and the Bank of England having laid their Proposition before the committee, whereby it appeared, that they offered about two millions sterling more to the government, in less time than the South-Sea Company had done, it was thought fit to give the said Company some time to consider farther on that matter; which was thereupon put off 'till the 1st of February. The said Proposal of the Bank of England is as follows:

To the Honourable the Commons of Great-Britain in Parliament assembled.—The humble Proposal of the Governor and Company of the Bank of England.

1. That in case they may have a power granted to them by parliament to purchase or take in, by way of subscription, the several Exchequer-annuities, of 99 and 96 years, commonly called the Long Annuities: and amounting together to the sum of 667 000*l.* per annum or thereabouts, from the several proprietors of the said annuities, in such manner as the said proprietors shall voluntarily agree, and at any time before the 24th day of June 1721.

And also, that they may have added to the present capital stock of the said governor and company, such a principal sum as all the said annuities do amount to, being computed at the rate of twenty year's purchase, which will be 13,354,000*l.* or thereabouts.

And that the several funds granted for payment of the said annuities, may be charged with the payment of an interest at the rate of

5*l.* per cent, per annum, payable weekly, on the said principal sums, or so much thereof as shall be purchased or taken in by the said governor and company, before the said 24th day of June 1721

That then, and in such case, the said governor and company are willing to advance and pay, for the use of the public, three years purchase on every annuity (that is to say) 15*l.* per cent. on every 100*l.* so to be computed as aforesaid, as the said governor and company shall purchase or take in by subscription, in such manner and within the time as before-mentioned; which, if the whole purchase be completed, will amount to 2,003,000*l.* or thereabouts.

2. It is proposed, that in case the said governor and company may have the like power granted by parliament, to purchase (in the same manner, and within the same time, as is mentioned in the aforesaid proposition) or take in, by subscription, the several annuities granted for 32 years, that is to say, the fund of 9*l* per cent. per annum, and the remainder of the lottery 1710, which being computed at 14 years purchase, will amount to 1,700,000*l.* or thereabouts.

And also that a sum of 1,700,000*l.* be added to the present capital stock of the said governor and company, that the funds granted for payment of the said annuities be charged with an annual interest at the rate of 5*l.* per cent. per ann. payable weekly on the said principal sum of 1,700,000*l.* or so much thereof as shall be purchased, or taken in by subscription, before the said 24 th day of June 1721.

That then, and in such case, the said governor and company are willing to advance and pay, for the use of the public, three years purchase on every such annuity to be purchased, or taken in by subscription, in the same manner, and within the limited time, before-mentioned; which three year's purchase (if the whole be completed) will amount to the sum of 364,500*l.* or thereabouts

3. It is proposed, That in case the said governor and company may have power to pay off, or to purchase, or to take in by subscription the several debts here under specified, which are commonly called the redeemable debts, and which may amount to the sum of 15,900,000*l.* principal, or thereabouts.

And that a sum of 15,900,000*l* be added to the present capital stock of the said governor and company.

And also, That the said several funds be charged with an annual interest, payable weekly, at the same rate as the public now pays to the several proprietors, which said annual interest, at the several rates of 5*l.* per cent. and 4*l.* per cent now paid, amount to the sum of 574,900*l* or thereabouts.

That then, and in such case, the said governor and company will advance and pay for the use of the public, at the rate of 20*l.* per cent. which upon the said principal will amount to 3,180,000*l.* or thereabouts, the same to be payable in such manner as shall be thought most agreeable to the public service.

Note, The particular funds referred to in the abovesaid proposition of redeemable debts are these, several lotteries; bankers annuities; blanks in lottery 1714; navy deficiency; and Bank annuities; amount to 14,795,000*l.* or thereabouts, at 5*l.* per cent. per ann. interest.

This last at a year's notice.—Civil list lottery; prizes in lottery 1714; deficiencies on low wines, &c Ditto on funds; Canada bills; army debts and debentures; 1st and 2d lottery 1719, amount to 4,128,000*l.* or thereabouts, at 4*l.* per cent. per annum interest.

4. It is proposed, That all the said sums mentioned in the three foregoing propositions, to be purchased, or taken in by subscription, or otherwise, and made part of, and added to, the capital stock of the said governor and company, which in case all the several annuities be purchased, will amount in the whole to the sum of 30,954,000*l.* or thereabouts, may be made redeemable by parliament, from and after the 24th day of June, 1724, and in sums not less than 1,000,000*l.* at any time.

5. It is proposed, That all the several sums that shall accrue by this proposal to the use of the public, may be applied to that part of the discharge of the fund of the Bank, that stands now redeemable at one year's notice.

6 It is proposed, That whatsoever may arise by the surplus of the funds, commonly called the sinking funds, may be every half year applied to the paying off any of the 5*l.* per cent. funds, that shall be purchased by virtue of this proposal, or made part of the capital stock of this Bank if this honourable House shall think fit.

7. It is proposed, That the said governor and company are willing to undertake to circulate the present 800,000*l* in exchequer bills, that now remain in the exchequer, upon the said terms as the governor and company have agreed with the lords commissioners of the treasury, for circulating the said bills this present year, and for so long time as this honourable House shall think fit, not exceeding four years

Note, The terms at present for circulating the said 800,000*l* is at the rate of half per cent. which amounts to 4,000*l* per annum.

8. It is proposed, That the said governor and company may have an increase of a proportionable allowance for charges and management.

9 It is proposed, That the said new additional stock, as well as the capital stock of the said governor and company, may continue free and exempt from all parliamentary taxes and impositions whatsoever, and that they may enjoy the same powers and privileges that are already granted to them, with an addition of such further powers and privileges, as this honourable House shall think necessary for carrying on so great an undertaking.

10. That whereas there is at present no transfer or stamp-duties payable on the 5*l.* and 4*l.* per cent. redeemable funds, nor any transfer duties on any of the annuities, it is proposed,

That the transfers of the said additional stock may be exempted from all stamp-duties, taxes, or transfers.

11. And whereas, in the aforesaid proposition, a certain sum or stock is mentioned to be added to the present capital of the Bank, in order to enable them to purchase the Long Annuities; the said governor and company do, by way of explanation, farther offer to this honourable House, that they are content, in case all the said annuities are not purchased, or taken in by subscription, within the limited time aforesaid, that then, and in such case, a proportionable part of the said stock shall be annihilated.

By order of the general court of the governor and company of the bank of England,
Jan 27, 1719. DAVID LE GROS, Secretary.

SECOND PROPOSAL OF THE SOUTH-SEA COMPANY, FOR REDUCING THE PUBLIC DEBTS.] Feb. 1. The Commons, in a committee of the whole House, took into consideration that part of the king's Speech which relates to the Public Debts; as also the second Proposals, both of the South-Sea Company, and of the Bank of England, which are as follows:

To the honourable the Commons of Great-Britain in Parliament assembled.

The corporation of the governors and company of merchants trading to the South-Seas, and other parts of America, and for encouraging the fishery, having, on the 27th of January last, presented their humble Proposal to this honourable House, for enlarging the capital stock of the said company, by taking thereinto the several annuities and public debts therein mentioned, on the terms and conditions in the said Proposal also mentioned; in which Proposal such advantages were offered to the public, as the said corporation did humbly hope would have been to the intire satisfaction of this honourable House, and most conducive to the certain discharging and paying off the whole debt of the nation, and to which Proposal they humbly crave leave to refer. But the governors and company of the Bank of England, having the same day also delivered a Proposal to this honourable House, for enlarging their capital stock, by taking in the same annuities and debts, on the terms and conditions in their Proposal also mentioned.

This corporation therefore, farther to manifest their real and earnest desire to contribute their utmost to the reducing and paying off the public debts, crave leave to offer the following explanations and amendments to their said Proposal.

1 As to the 6th article of their said former Proposal, wherein they have humbly desired to be allowed for charges of management, for their to be increased capital, so much as it now costs the government for charges of paying, assigning, and accounting for the said debts, or such proportion thereof, as the sum which shall be taken in by the company shall bear to the whole of those debts.

They now offer, by way of explanation of that article, that the allowances therein mentioned, are not to exceed a proportion to the allowance they have now, by act of parliament, on their present capital for that purpose.

2. That whereas in the 7th article of their said Proposal it is mentioned, that the annuities for the company's present and to be increased capital, be continued at the rates therein mentioned till Midsummer 1727. And that from and after that time their then annuity on their whole capital shall be actually reduced to 4*l.* per cent. per annum, and likewise be from thenceforth redeemable by parliament;

They do humbly offer, that if this honourable House do think it more for the interest of the public, that in lieu of the said 7th article, all the sums to be taken into the company's capital, in pursuance of their Proposal, shall be redeemable by parliament, from and after Midsummer 1724, in sums not less than 500,000*l.* at a time, they do consent thereto.

3. And whereas by the 10th article of their said former Proposal, they offered, for the liberty of increasing their capital stock, as is therein aforesaid, that they would give and pay into his majesty's exchequer, for the service of the public, the sum of 3,500,000*l.*

They now humbly offer, that over and above the said 3,500,000*l.* they will farther give and pay into his majesty's exchequer, for the ease of the public, by four equal quarterly payments, on the days mentioned in their said former proposal, 500,000*l* more, certain, and also upon all the said annuities for certain terms of years, which this company shall take into their capital stock, before the 1st of March, 1721, after the rate of four years and half purchase, by four quarterly payments, which if all the said annuities be taken into the said company, will amount to the sum of 3,567,503*l* or thereabouts; to which being added the said 3,500,000*l* and the said farther sum of 500,000*l* will amount in the whole to the sum of 7,567,500*l.* or thereabouts.

4 That whereas in the 11th article of their former proposal, they did submit, that so much as shall arise by the Sinking Fund before Midsummer, 1727, may, from and after paying off such part of the public debts, as may be redeemed within that time, and which shall not be taken in this company, be applied at the end of every year towards paying off, in even 100,000*l*, that part of the company's capital which carries 5*l* per cent. per annum.

They do humbly offer, in lieu thereof, that if this honourable House think fit to make their to be increased capital redeemable at Midsummer, 1724, that the said Sinking Fund may, until that time, be applied, half yearly, to the paying off that part of the company's capital, which is to carry 5*l.* per cent per annum.

5 As to the 12th article of this company's former proposal, relating to the circulating of 1,000,000*l* in exchequer bills gratis, and likewise paying the interest for that million, so as

no other exchequer bills be issued than what shall be circulated by the credit of the exchequer, without the aid of subscription or contract.

6. And lastly, That this honourable House may be fully satisfied of the sincere intentions of this company, to use their best endeavours to take in all the said annuities for 99 and 98 years, which amount to 667,705*l.* 8*s* 1*d.* per annum. This company do farther humbly offer to give and pay into his majesty's exchequer, for the service of the public, by four equal quarterly payments, one year's purchase upon all such of those annuities as shall happen not to come into the said company's capital, within the time aforesaid.

And whereas this company is very sensible, that the prosperity of the nation doth greatly depend upon the discharging the public debts, a motive, which induced them to make the first propositions of this public and beneficial nature, they do humbly submit these explanations and amendments to this honourable House, flattering themselves, that that readiness and chearfulness that engaged them so much earlier than any other society, to endeavour to reduce that great debt, under which this nation is oppressed, will intitle them to the favour and preference of this House, since they are willing, and do hereby declare, they are ready to undertake this great work upon whatever terms may be offered by any other company.

By order of the general court,

JOHN FELLOWS, Sub-Governor.

Feb. 1, 1719. CHARLES JOYE, Dep. Governor.

THE SECOND PROPOSAL OF THE BANK OF ENGLAND, FOR REDUCING THE PUBLIC DEBTS.] The second Proposal of the Bank of England is as follows:

The Governor and Company of the Bank of England do humbly offer the following Explanation of the Proposal they delivered to this honourable Committee, the 27th of January last.

1. Whereas in the 3rd proposition it was computed, that the redeemable debts at 5*l.* and 4*l.* per cent per annum, would amount to 15,900,000*l* or thereabouts, for which they offered 20*l.* per cent

They now find that several of the said debts do arise to a very considerable sum more than was calculated, and will consequently increase the total sum of this offer.

As for instance, If the said debts do amount to 600,000*l.* more, in such case, the total of their offer will be 3,000,000*l.* upon that head.

2. Whereas they say, in their 5th proposition, that all the several sums that shall accrue by their proposal to the use of the public, may be applied to the discharge of that part of the fund of the Bank, that stands now redeemable at one year's notice, their meaning is, that what shall remain over and above sufficient for the discharge of that fund, may be applied to the discharge of any of the funds of 5*l.* per annum to be purchased by virtue of this proposal.

3. In the 11th proposition, where they mention the long annuities, they mean as well those for 32 years as the longer terms.

4. And whereas in the 1st and 2nd propositions, it is implied, that the three years purchase offered to the public, is not to be paid on such of the annuities as shall not be taken in or agreed for, the said governor and company beg leave to observe to this honourable committee, that they have good reason to believe they shall be able to accomplish this undertaking.

However, that no doubt may remain of their sincere intentions, they are content to be obliged to offer to the several proprietors of the annuities to 96 and 99 years, 1,700*l.* bank stock, for every 100*l.* per annum, who shall voluntarily agree for the same, on or before the 25th of June, 1720, and the like proportion for the remainder of the shorter terms.

And whereas in the 4th proposition, the said governor and company do offer to have the several funds to be now purchased, redeemable on the 24th of June, 1724, they do submit to the honourable committee this alternative, that the said funds be actually reduced to 4*l.* per cent on the 24th of June 1727, and to be thenceforth redeemable by Parliament

By order of the general court of the governor and company of the Bank of England.

Feb. 1, 1719. DAVID LE GAUX, Secretary.

The Commons resolve to accept the Proposals of the South Sea Company.] These two different Schemes occasioned a debate, in which Mr. Robert Walpole was the chief person who stood up for the Bank; but Mr. Aislaby, chancellor of the Exchequer, made it appear that the Proposals of the South Sea Company were more advantageous to the public; and it was at last resolved, "That the Proposals made by the South Sea Company be accepted.

The SOUTH SEA BILL *brought into the House of Commons.*] This Resolution being the next day reported, was agreed to by the House, and a Bill was ordered to be brought in thereupon.

Feb. 3. The Commons, in a grand committee, considered again of the Proposal of the South Sea Company, and, after some debate, resolved, that the seventh Article of the first Proposal of the South Sea Company, viz. "That the present annuities for the company's present capital, and the annuities for the company's to be increased capital, be continued at the rates therein mentioned until Midsummer 1727, and that from and after that time, their then annuity for the whole capital shall be actually reduced to 4*l.* per cent. per annum, and likewise be thenceforth redeemable by parliament)" be accepted: which Resolution being the next day reported, was agreed to by the House; and it was ordered, that a clause or clauses pursuant to the said Resolution, be added to the Bill to be brought in on the former Resolution.

Feb. 5. The Commons, in a committee of

the whole House on the Supply, came to a Resolution, which was the next day reported by Mr. Farrer, and with several amendments, agreed to by the House, as follows, viz. "That in order to lessen the Debts of this nation, a power be given to the commissioners of his majesty's treasury or the high treasurer for the time being, at any times within one year, and from thence to the end of the next session of parliament, and by such proportions at a time as he or they shall find to be most for the advantage of the public, to make forth, or cause to be made forth, at the Exchequer, any number of new Exchequer bills, so as all the principal sums to be contained therein, do not, in the whole, exceed one million (over and above the Exchequer bills mentioned in the proposition of the South Sea Company, accepted by the House,) and that the said new Exchequer bills may bear an interest not exceeding the rate of 5*l.* per cent. per ann. and that as well the money which was advanced by the South Sea Company for their additional stock, by means of the late subscriptions towards redeeming the lottery annuities of the year 1710, and doth now remain in the Exchequer; as also the surplus monies arising quarterly upon the several funds, called the Aggregate Fund, and the fund of the South Sea Company, and of the revenues charged with the fund, called the General Yearly Fund, as also the overplus of the same general fund, when such overplus shall happen (after the sum of 520,000*l.* according to an act of the fifth year of his majesty's reign, shall be applied for discharging and cancelling such Exchequer bills as are therein mentioned) be made a fund or security for answering all demands of principal and interest, upon the said new Exchequer bills, which shall be authorized to be made forth as aforesaid, and that the said commissioners of the treasury, or high treasurer for the time being, be also impowered to issue the said new Exchequer bills, by way of loan or advance, to the corporation of the governor and company of merchants of Great Britain trading to the South Sea and other parts of America, and for encouraging the fishery, or to some person or persons in trust for them, the said corporation giving security upon their present, or to be increased annuity, or weekly payment out of the Exchequer, for the payment of the principal sums so lent, with an interest not exceeding the rate of 5*l.* per cent. per annum, taking care that upon repayment of the said principal, the same, with the interest accruing thereupon, be replaced in the Exchequer upon the same funds or heads of remains there, from which the said principal shall have been taken, and be applied towards discharging national debts and incumbrances, incurred before the 25th of December 1716, according to such act or acts of parliament as shall be made in that behalf, and not otherwise; and that a just account may be made to the public of the monies so employed, and the increase thereof:" And a Bill was ordered to be brought in upon the said Resolutions.

Feb. 17. In a grand committee on ways and means for raising the Supply, it was resolved, "That such of the duties and revenues for answering the respective annuities or payments which shall become payable to the South Sea Company, pursuant to their Proposals accepted by this House, as are now temporary, be made perpetual, subject nevertheless to redemption by parliament, according to the tenor of the said Proposals:" Which Resolution was the next day reported and agreed to by the House, and a clause was ordered to be brought in thereupon, and inserted in the bill relating to the Public Debts.

*A Bill for securing the Dependency of Ireland.**] Feb. 22. A Bill intituled, 'An Act 'for the better securing the Dependency of

* "During this session, a Bill, for better securing the dependency of Ireland upon the crown of Great Britain, passed both Houses. This bill took its rise, from an appeal to the House of Peers in England, by Maurice Annesley, against a decree of the House of Peers in Ireland which the British House of Peers received, and ordered the barons of the exchequer in Ireland to cause Mr. Annesley to be forthwith put in possession of certain lands in the county of Kildare, of which he had been dispossessed by virtue of a decree of the House of Peers in Ireland. Pursuant to this order, the barons of the exchequer in that kingdom, issued out an injunction to Alexander Burrows, sheriff of the county of Kildare, and set several fines upon him, for refusing to put it in execution; which the House of Peers in Ireland discharged, and voted, that Jeffery Gilbert, lord chief baron of the exchequer, John Pocklington, and sir John St. Leger, the other barons, of the exchequer in Ireland, had acted in manifest derogation to the king's prerogative, in his high court of parliament in Ireland, as also of the rights and privileges of this kingdom, and of the parliament thereof. These barons were also ordered to be taken into custody of the usher of the black rod.

"The House of Peers in Ireland drew up a long representation to be transmitted to this king, setting forth their right to the final judicature of causes in that kingdom; and the duke of Leeds, in a protest against a vote passed in the House of Peers in England, gave fifteen reasons to support the claim of the House of Peers in Ireland. But the House of Lords in England resolved, 'That the barons of the exchequer in Ireland had acted with courage according to law, in support of his majesty's prerogative, and with fidelity to the crown of Great Britain;' and ordered an Address to the king, 'for conferring on them some marks of his royal favour as may be a recompence for the ill usage they have received, by being unjustly censured, and illegally imprisoned for doing their duty.' Then it was that the Bill for securing the Dependency of Ireland was brought in." Tindal.

'the kingdom of Ireland upon the crown of 'Great Britain;' was read a third time in the House of Lords, passed and carried down to the Commons.

March 4. The said Bill was read a second time: and a motion being made for committing it to a committee of the whole House, it occasioned a debate. Mr. Pitt first spoke against the Bill, saying, It seemed calculated for no other purpose than to increase the power of the British House of Peers, which in his opinion, was already but too great. He was seconded by Mr. Walter Plummer, who excepted against the preamble of the bill, as incoherent with the enacting part, which was partly owned by sir Joseph Jekyll, who, in the main, spoke for the bill. Mr. Hungerford, on the contrary side, endeavoured to shew, that Ireland was ever independent, with respect to courts of judicature. And he was supported by the lord Molesworth, the lord Tyrconnel, and some other members: But Mr. Philip Yorke, having backed sir Joseph Jekyll: and the question being put upon the motion, it was carried in the affirmative, by 140 against 83, and so the bill was committed to a committee of the whole House; and was passed on the 26th.*

Debate on a Clause to be added to the South Sea Bill.] March 23. Upon the reading of the order of the day, for the House to resolve itself into a grand committee, upon the 'Bill 'for enabling the South Sea Company to increase their Capital Stock, &c.' It was ordered, That the accounts relating to Annuities, Lotteries, and Army Debentures, be referred to the said Committee. After this a motion was made, "That for rendering effectual and certain to the public, the undertaking of the South Sea Company to take the annuities for certain terms of years, it be an instruction to the said committee, That they should have power to receive Proposals from the South Sea Company, whereby it might be fixed and determined what share or shares of and in the to be increased capital stock of the said company, the proprietors of the said annuities should be entitled to have and enjoy, who should voluntarily subscribe the same into the said stock, or how many years purchase in money they should have and receive upon subscribing, at the choice of the proprietors; and that the committee should have power to receive a clause or clauses accordingly." This motion occasioned a very warm debate, that lasted from one of the clock in the afternoon, till near seven in the evening, in which Robert* and Horatio Wal-

* "About this time a misunderstanding happened between Mr. Lechmere, attorney-general, and sir William Thompson, solicitor-general, which was carried so far in a grand committee of the Commons, the 16th of March, that sir William charged Mr. Lechmere with breach of his oath, trust, and duty, as a privy-counsellor; urging, 'that he acted as counsel, and received sums of money for his advice, in matters to him referred by the privy council, as attorney general.' After this, he proceeded to the reading of several reports, made either by the attorney general or himself, but was interrupted by Mr. Craggs, who said, 'They were not there to examine, who was the best lawyer; but that, a heavy accusation having been raised against a gentleman of distinguished merit, and in very eminent stations, it was incumbent upon the accuser to produce clear evidence to make good his charge.' Upon this, Mr Lechmere stood up in his own defence, and said, 'he had the honour to be a privy counsellor chancellor of the duchy, attorney general, a member of that House, and a gentleman; and therefore such a heinous accusation could not but fall the heavier upon him: That he owned himself liable to a great many human frailties and imperfections; but as his conscience entirely acquitted him of the crimes laid to his charge, so he defied all the world, and the worst of his enemies, to prove him guilty of corruption or unwarrantable practices That though he was thus wrongfully accused in so solemn a manner, yet, as a good Christian, he did heartily forgive his accuser, and was willing to believe, that he was prompted to this rash action, rather by mistake, or ignorance, than by malice; concluding, with desiring that honourable assembly to sift and weigh the whole matter with their usual candour, impartiality, and equity, and to excuse any ungoarded expressions, that might escape him, in vindicating his innocence.' After this, several witnesses were sworn, and eight or nine of them examined; but, their depositions amounting to no more than that Mr. Lechmere had taken nothing but his usual fees, as chamber-counsellor, the accusation laid against him appeared groundless to the committee, and was declared by the House to be malicious, false, and scandalous." Tindal.

* "The Bill was warmly opposed by Walpole, who spoke in favour of the Bank. In vain he displayed the fallacy of the South Sea Scheme, and the great difference between that and the Bank, by shewing, that the company was not limited in the price they were to put on the Stock made over to them; whereas the Bank offered a specific sum of 1,700*l* stock, for every hundred pounds in the long annuities, and the same proportion for the short annuities In vain he urged, that it countenanced the pernicious practice of stock jobbing, by diverting the genius of the nation from trade and industry; that it held out a dangerous lure for decoying the unwary to their ruin by a false prospect of gain, and to part with the gradual profits of their labour, for imaginary wealth In vain he insisted, that if the Proposal of the South Sea Company should be accepted, the rise of their stock ought to be limited. In vain he dwelt on the miseries and confusion which then prevailed in France, from the adoption of similar measures. In vain he urged, that as the whole success of the scheme must chiefly depend on the rise of the stock, the great pru-

pole, Mr. Pitt, Mr. Gould, sir Richard Steele, and some other members, spoke in favour of the annuitants, who lent out their money, for the support of the government, with hazard and uncertainty; and having made a contract with the legislature, and purchased yearly rents for valuable considerations, ought not to be left at the mercy of a private company. It was alledged, on the other side, by Mr. Thomas Pelham, Mr. Yonge, sir Joseph Jekyll, Mr. Chancellor of the Exchequer, and some other gentlemen, That the obliging the South Sea Company to fix a price upon the annuities, might endanger the success of so beneficial an undertaking: that as it was the interest of the company to take in the said annuities, so no doubt was to be made, but they would use all their endeavours for that purpose; and would offer such advantageous conditions to the annuitants, as would encourage them to come in voluntarily: that therefore they ought to allow the said company a competent time to try what they could do; and if in a subsequent session of parliament it should appear, that the conditions they had offered to the annuitants were not reasonable, and consequently had proved ineffectual, the Commons, in such a case, might give what direction they should think proper about that matter. These, and other reasons that were urged on the same side, had so much weight, that the question being put upon the motion beforementioned, it passed in the negative, by a majority of 144 voices against 140. Then the House having resolved itself into a grand committee, made some progress in the bill.[a]

The South Sea Bill passes the Commons.] April 2. An engrossed Bill, 'For enabling the 'South-Sea Company to encrease their present 'Capital Stock,' &c. was read the third time, and some Amendment having been made thereto by the House, the question was put, That the said Bill do pass, which, after a debate, was carried in the Affirmative, by 172 against 55, and the said Bill was sent up to the Lords for their concurrence.

Debate in the Lords on the South Sea Bill.] April 4. The Lords read that Bill the first time, and the question being put, That it be read a second time, the same, after a small debate, was carried in the affirmative without dividing. The next day the Bill was read a second time accordingly; and then it was moved, That it be committed to a Committee of the whole House, which occasioned a great debate.

The Lord *North* and *Grey* spoke first against the Bill, and said, 'That in his judgment, it was unjust in its nature, and might prove fatal in its consequences; since it seemed calculated for the enriching of a few, and the impoverishing of a great many, and not only made way for, but countenanced and authorised the fraudulent and pernicious practice of Stock-jobbing, which produced an irreparable mischief, by diverting the genius of the people from trade and industry. His lordship was backed by

The Duke of *Wharton*, who endeavoured chiefly to evince, That the South-Sea project might prove of infinite disadvantage to the nation; first, as it gave foreigners an opportunity to double and treble the vast sums they had in our public funds, which could not but tempt them to withdrew their capital stock, with their immense gains, to other countries, which might drain Great Britain of a considerable part of its gold and silver. Secondly, that the artificial and prodigious rise of the South-Sea Stock was a dangerous bait, which might decoy many unwary people to their ruin, and allure them by a false prospect of gain, to part with what they had got by their labour and industry, to purchase imaginary riches. And in the third place, That the addition of above thirty millions new capital, would give such a vast power to the

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ople of the project was an evil of the first magnitude; it was to raise artificially the value of the stock, by exciting and keeping up a general infatuation, and by promising dividends out of funds which would not be adequate to the purpose. In vain he predicted, that if the establishment succeeded, the directors would become masters of the government, form an absolute aristocracy in the kingdom, and controul the resolutions of the legislature; or if it did not succeed, the failure would cause a general discontent. He closed his speech by observing, that such would be the delusive consequences, that the public would conceive it a dream. His arguments and his eloquence were of no avail. He was compared by his friends to Cassandra, predicting evils which would only be believed when the event proved their reality, and only deprecated when they were felt; and he whose speeches, in matters of finance, occupied the House with more than usual attention, was now scarcely heard. The preference was given to the South Sea, and the bill was afterwards carried by a majority of more than 3 to 1." Coxe's Walpole.

[a] "Whilst this great affair was debating in the House of Commons, the Stock Jobbers in Exchange-alley, were in perpetual hurry, being tossed about between hopes and fears, upon the different accounts they received almost every minute, from their agents and friends in Westminster. but as soon as it was known, that the Clause offered to cramp the South Sea Company's project, had been rejected, the stocks of that company, which, since the Commons had accepted their scheme, were gradually risen from 130, to above 300, advanced to near 400; but, after some fluctuation, settled at about 330; in which condition, with little variation, they continued till the end of this month. We must however take notice, That this prodigious rise of the South Sea stock was not altogether owing to natural causes, but was rather the result of very artificial engines, and secret springs that were set to work, both at home and abroad, by those who had no small concern in the success of this affair." Political State.

South-sea Company, as might endanger the liberties of the nation, and, in time, subvert our excellent constitution; since by their extensive interest they might influence most, if not all the elections of the members, and consequently over-rule the Resolutions of the House of Commons.

Earl *Cowper* spoke also against the Bill, and said, That like the Trojan horse, it was ushered in, and received with great pomp and acclamations of joy, but was contrived for treachery and destruction. His lordship urged in particular, That in all public bargains, it is a duty incumbent on them who are intrusted with the administration, to take care that the same be more advantageous to the state than to private persons; but that a quite contrary method seemed to have been followed in the contract made with the South Sea Company: for if the stocks were kept up to the advanced price to which they had been raised up by the oblique arts of Stock-jobbing, either that company, or its principal members, would gain above thirty millions sterling, of which they gave but one fourth part towards the discharge of the national debts. That though this Scheme carried the face of public good, yet nothing could be so, that was founded on injustice, as his lordship took this bill to be: that he apprehended, in particular, that the main public intention of it, viz. the repurchase of annuities, would meet with insuperable difficulties, and that, in such a case, none but a few persons, who are in the secret, and had early bought stocks at a low rate, and afterwards sold them at a high price, would, in the end, be gainers by this project.

The Duke of Buckingham, and some other Peers, spoke on the same side; but

The Earl of *Sunderland* answered most of their objections: and, among other things, said, That they who encouraged and countenanced the scheme of the South-Sea Company, had nothing in their view, but the easing the nation of part of that heavy load of debt it labours under; That on the other hand, the managers for that Company had, undoubtedly, a prospect of private gain, either to themselves, or to their corporation; but that, when that scheme was accepted, neither the one or the other could foresee that the stocks would have risen to the price they were now advanced: That if they had continued as they were at that time, the public would have had the far greater share of the advantage accruing from that scheme; and if the stocks were kept up to the price they had been raised to, which was not unlikely, it was but reasonable that the South-Sea Company should enjoy the profit procured to it by the wise management and industry of its directors, which would enable it both to make large dividends among its members, and thereby to compass the ends intended by this scheme. After this, the question for committing the Bill being put, it was carried in the affirmative, by a majority of 83 voices against 17.

The South Sea Bill passes the Lords.] April 6. The Lords, in a grand Committee, considered of the said Bill, went through it, without any amendment, and without dividing; and on Thursday the 7th of April, read it the third time, agreed to it, and sent a message to the Commons to acquaint them therewith.

The King's Message relating to erecting Corporations for insuring Ships and Merchandize.] May 4. Mr. Aislabie, Chancellor of the Exchequer, presented to the House of Commons, the following Message from the King.

"*G. R.*

"His majesty having received several Petitions from great numbers of the most eminent merchants of the City of London, humbly praying, that he would be graciously pleased to grant them his letters patents for erecting corporations to insure ships and merchandize,* and the said merchants having offered to advance and pay a considerable sum of money for his majesty's use, in case they may obtain letters patents accordingly; his majesty being of opinion, that erecting two such corporations exclusive only of all other corporations and societies for insuring of ships and merchandize, under proper restrictions and regulations, may be of great advantage and security to the trade and commerce of the kingdom, is willing and desirous to be strengthened by the advice and assistance of this House, in matters of that nature and importance; he therefore hopes for their ready concurrence to secure and confirm the privileges his majesty shall grant to such corporations, and to enable him to discharge the debts of his civil government, without burdening his people with any new aid or supply."

Hereupon a Bill was ordered to be brought in, to enable his majesty to grant Letters of Incorporation to the uses and purposes mentioned in his majesty's Message.

May 6. Mr. Henry Pelham made a motion for an Address to return his majesty the thanks of this House, for his gracious condescension,

* "Several projects were now set on foot, particularly for establishing the two companies of the Royal Assurance, headed by lord Onslow, and of the London Assurance by the lord Chetwynd. The projectors had been very industrious to bespeak the countenance of the House of Commons, for which they had caused town letters to be printed and given to the members. But, these and all other solicitations having proved ineffectual, the managers for the two Companies had recourse to other methods, and being informed that the Civil List was considerably in arrears (for which no provision had been, or could conveniently be made by the parliament, because the grand committee of Supply had been inadvertently dismissed) they offered to the ministry 600,000*l.* towards the discharge of that debt, in case they might obtain the king's charter, with the parliamentary sanction for the establishment of their respective companies. The ministers, being at a loss for means to pay the civil list debt, readily embraced the offer." Tindal.

in desiring the advice of this House upon a matter of such importance, as the insurance of ships and merchandize, and to acknowledge his majesty's goodness in applying the advantages arising to him from such proposals, to the use of his civil government, for the support of the honour and dignity of the crown, without burdening his people with any new aid or supply and to assure his majesty, That this House would most readily concur to make his majesty's most gracious intentions effectual, for the ease, security, and welfare of his trading subjects. Mr. Pelham being seconded by Mr. Robert Walpole,* it was resolved to present the said Address, and a Committee was appointed to draw it up.

The Commons' Address thereon.] May 7. Mr. Boscawen acquainted the House, that the king had given directions, pursuant to the desires of the House, expressed in those two Addresses; and, in the afternoon, the Commons, in a body, waited on his majesty with their Address of thanks for his majesty's Message as follows:

"Most Gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your majesty our humble thanks, for communicating to this House the application made to your majesty for obtaining the Charters for insuring of Ships and Merchandizes. Your majesty being graciously pleased not to take any steps, in a matter of such importance to the trade and commerce of the kingdom, without the advice and concurrence of your parliament, is an instance of so much condescension, as deserves the highest returns of duty and thankfulness.

"We acknowledge your majesty's goodness, in applying to the use of the civil government the advantages arising to your majesty from such proposals. It is a great satisfaction to your Commons, to see the honour and dignity of the crown supported under the difficulties, which the necessity of your majesty's affairs may have occasioned, without laying the burthen of any new aid or supply upon your people

"And we beg leave to assure your majesty, that this House is resolved to render effectual your majesty's gracious intentions for the ease, security and welfare of your trading subjects."

The King's Answer.] To this Address the King returned the following Answer:

"Gentlemen;

"I receive this Address as a particular mark of your affection to me. It is a new proof to me, and all the world, how much I can always depend upon it. I thank you for it in a particular manner."

The King's Speech at the Close of the Session.] June 11. The King came to the House of Peers, and the Commons being sent for and attending his majesty, gave the royal assent to several public and private bills. After which, the Lord Chancellor, by his majesty's commands, read the following Speech to both Houses:

"My Lords and Gentlemen;

"I am now come to put an end to this session, which though it hath advanced so far into the summer, cannot be thought a tedious one, when we consider how much business hath been done, and the great advantages that may be expected from it.

"Your seasonable vigour and perseverance to support me in the measures I have taken with my allies, for restoring the tranquillity of Europe, have produced most of the effects I could desire; much the greatest part of Christendom is already freed from the calamities of war, and by what hath happened both abroad and at home, my people must be convinced, that their welfare is inseparable from the strength and security of my government.

"Gentlemen of the House of Commons;

"I return you my thanks for the Supplies you have raised for the service of the current year, and it is a particular satisfaction to me, that a method has been found out for making good the deficiencies of my Civil List, without laying any new burthen upon my subjects. The good foundation you have prepared this session for the payment of the National Debts, and the discharge of a great part of them, without

* "On the 6th of May, Walpole seconded a motion, made by Pelham, for an Address of thanks to the king; on the 4th of June he was appointed Paymaster General of the Forces, and on the 11th, Townshend was nominated President of the Council. Previously, however, to this arrangement, Walpole had, in conjunction with the duke of Devonshire, been the principal means of effecting a reconciliation between the king and the prince of Wales, whose misunderstanding had arisen to so alarming a height, as to threaten a disturbance of the public tranquillity. The honour of effecting the reconciliation in the royal family was principally due to Walpole. In a conference which he held with Sunderland, to arrange the plan of a joint administration, the minister, who was averse to the union of the two courts, endeavoured to detach him from the prince, and offered him any conditions for himself and friends, provided he would consent that the prince should remain in disgrace. But Walpole rejected these overtures, and insisted on the reconciliation, as an indispensable preliminary, before he would listen to any terms of coalition. Having extorted this concession, he, with the assistance of the duke of Devonshire, disposed the prince of Wales to write a submissive letter, in which permission was requested to wait upon the king. He was accordingly admitted to a private conference, and on his return from the palace to Leicester-house, where he had taken up his residence, was attended by a party of guards, and from that time the father and son appeared to be reconciled." Coxe's Walpole, vol. [illegible]

the least violation of the public faith, will I hope strengthen more and more the union I desire to see among all my subjects, and make our friendship yet more valuable to all foreign powers.

"My Lords and Gentlemen;

"You will see the good effects which our steadiness hath produced; there remains but little on our part, to satisfy the world, that more credit, security and greatness, is to be acquired by following the views of peace, and adhering strictly to just engagements, than by depending on the advantages of war, or by pursuing the measures of ambition. To complete what remains unfinished, I propose very speedily to visit my dominions in Germany, hoping to put an end to those troubles in the North, which are now reduced to a very narrow compass. I flatter myself, that my presence this summer in those parts will prove useful to our poor protestant brethren, for whom you have expressed such seasonable and charitable sentiments.

"I doubt not but to meet you again next winter, disposed to put a finishing hand to all those good works which, by your assistance, I have brought so near to perfection. I could wish, that all my subjects, convinced by time and experience, would lay aside those partialities and animosities which prevent them from living quietly, and enjoying the happiness of a mild legal government: it is what I chuse to recommend at this time, when I am sensible, that all opposition to it is become vain and useless, and can only end unfortunately for those who shall still persist in struggling against it. I am persuaded that, during my absence, every one of you will take particular care to preserve the peace in your several countries, and that I shall find you, at my return, in such a state of tranquility, as will shew mankind how firmly my government is established; which I chiefly desire, because I think the security and preservation of my people, and of this happy constitution, depends entirely upon it."

Then the Lord Chancellor, by his majesty's command, prorogued the parliament to the 15th of July; after which it was by several prorogations further prorogued to the 8th of December.

Principal Occurrences during the Recess.—*The King goes to Hanover.—Progress of the South Sea Affairs.—The Bubbles.—Proclamation against them.—National Infatuation and Despair.—Account of the Bank Contract.—Walpole's Endeavours to restore the Credit of the Country.—The King returns from Hanover.—Alarming State of Affairs.**] Upon the rising of the parliament the king held a great council, in which he declared his design of visiting his dominions in Germany, and named the lords justices during his absence. They were the same with those of the last year: to whom were added the lord Townshend (who was declared likewise lord president of the council) and the duke of Devonshire. The king in the same council, conferred also several honours and preferments: the earl of Dorset was created duke of Dorset; the earl of Bridgewater, duke of Bridgewater; the lord viscount Castleton, earl Castleton, in the county of York; Hugh Boscawen, baron Boscawen, and viscount Falmouth in the county of Cornwall; John Wallop, baron Wallop of Wallop, and viscount Lymington in the county of Southampton.

On the 15th of June, the king embarked at Greenwich, on board the Carolina yacht, and landed the next morning at Helvoetsluys, from whence he proceeded to Hanover.

Whilst the king was employed abroad in hearing and settling the grievances and interests of the nations and their sovereigns, particularly those of the protestants of Germany, the Regency were no less employed at home in curbing the excessive desire of gain, which the progress of the South Sea Company had raised, and in curing the despair which attended its fall. As these are the most considerable events of this reign, and such as will never be forgot by Great Britain, they deserve to be related at large.

When the Bill passed in favour of the South Sea Company, it was expected, the stock would have greatly advanced, but the contrary happened; for the day after it fell from 310 to 290. In order to raise it, a rumour was spread, that earl Stanhope had received overtures in France to exchange Gibraltar and Port-Mahon for some places in Peru, for the security and enlargement of the English trade in the South Sea; which had its effect in Exchange-alley. For, on the 12th of April, five days after the royal assent was given to the bill, the directors opened their books for a subscription of a million, at the rate of 300*l.* for every 100*l.* capital. Such was the concourse of persons of all ranks, that this first subscription was found to amount to above two millions of original stock. It was to be paid at five payments of 60*l.* each, for one share of 100*l.* In a few days the stock advanced to 340, and the subscriptions were sold for double the price of the first payment. To raise the stock still higher, on the 21st of April it was declared in a General Court, that the Midsummer dividend should be ten per cent. and all subscriptions should be entitled to the same. These Resolutions answering the end designed, the Directors, to improve the infatuation of the monied men, opened their books for a second subscription of one million, at 400*l.* per cent. In a few hours, no less than a million and a half was subscribed at that rate; and so great was the confidence which was placed in the Directors, that many deposited in their hands their annuities, without knowing what price the company would allow for them.

On the 19th of May, the Directors thought to settle the terms and prices for the long

* Tindal.

and short annuities, which had been subscribed; and the stock being that day 375*l* per cent. it was resolved to allow, for every 100*l*. per annum of the long annuities, 700*l*. in the capital stock (which at 375*l*. per cent. amounted to 2,625*l*.) and 575*l* in bonds and money. So the total for each 100*l*. per annum amounted to 3,200*l*. or thirty-two years purchase. For every 90*l* per annum of the short annuities, they agreed to allow 550*l*. in the capital stock, which at 375*l*. per cent. amounted to 1812*l*. 10*s* and in bonds and money, 217*l*. 10*s*. which together made 1530*l*. or seventeen years purchase.

These offers occasioned at first great murmurings among the Annuitants, who, having expected ten years, found they were to have but eight years and a quarter's purchase. Upon which some withdrew their orders, and others resolved not to subscribe. But the South Sea managers having found means to raise their stock to 500*l* per cent. most of the annuitants appeared easy; so that it was computed, that, by the 29th of May, almost two thirds of the annuities were subscribed.

The arts of the stock-jobbers drew a great concourse of persons of all ranks into Exchange alley, by whose unexampled eagerness of laying out their money in a fund, that promised so plentiful a return of gain, that stock, which about the latter end of May, was at about 550, rose on a sudden so prodigiously, that on Thursday, the 2d of June, it came up to 890. Many cautious persons being willing to take this opportunity to secure their great profits, there appeared the next day so many sellers in the alley, that, by two or three o'clock in the afternoon, the stock fell to 640; at which the Chief Directors of the South Sea Company, being alarmed, set their agents to work, by whose artful management the stock was the same evening advanced to 750; about which price, with some small fluctuation, it continued till the closing of the Company's books on the 22d of June. In the mean time, the South Sea stock suffered a considerable shock. For many persons, who were to follow the king to Hanover, and others, who found a difficulty of making their second payment to the first subscription, were both equally desirous to turn their stock into money; so that, for some days, the number of sellers exceeded that of buyers. Wherefore the managers of the Company formed two expedients. the first was their lending out money, or notes, to the proprietors of their capital stock, to the sum of 400*l*. upon 100*l*. original stock (which shewed it to be worth above that sum) at the rate of 4*l*. per cent. per annum. The second was their giving public notice, "That all persons possessed of any of the Company's bonds, which fell due on the 25th of June, might then have their money for the same of the Company's cashier: and that the bonds would be taken in on the second payment for the 2,250,000*l* South Sea stock, sold by subscription after the rate of 400*l*. for each 100*l*. original stock." By these means money being plenty, and the stock-jobbers in good humour, the South Sea Company opened their books for a third subscription, at the rate of 1,000*l* for each 100*l*. capital stock, to be paid in ten equal payments, one in hand, and the other nine half-yearly. But some men in power having taken this opportunity to oblige their friends, their lists were so full, that the Directors enlarged it to four millions capital stock, which at that price amounted to forty millions sterling. And, what is more strange, these last subscriptions were, before the end of June, sold at above 2,000*l*. per cent. advance, and, after the closing of the transfer-books, the original stock rose to above 1,000*l*. per cent. At the same time the first subscriptions were at 560, and the second at 610 per cent. advance, the Bank at 260, and East India at 440

The whole nation was become stock-jobbers. The South Sea was like an infectious distemper, which spread itself in an astonishing manner. Every evening produced new projects, which were justly called Bubbles, new Companies appeared every day. These were countenanced by the greatest of the nobility. The prince of Wales* was governor of the Welsh Copper; the duke of Chandois, of York Buildings; the duke of Bridgewater formed a company for building houses in London and Westminster. There were near a hundred different kinds of projects or bubbles; and it was computed, that above a million and a half was won and lost by these unwarrantable practices, by which many unwary persons were defrauded and impoverished, and a few crafty men enriched, to the great detriment of domestic trade. The king had, the same day the parliament rose, published a Proclamation,† declaring all these unlawful projects should be deemed as common nuisances, and prosecuted as such; with the penalty of 500*l*. for any broker to buy or sell any shares in them. Notwithstanding this

* "The Speaker and Mr. Walpole could not dissuade the Prince from being governor of this Copper Company, though they told him he would be prosecuted, mentioned in parliament, and cried in the Alley, upon the foot of Onslow's Insurance, Chetwynde's Bubble, prince of Wales's Bubble, &c. he has already got 40,000*l* by it." Coxe's Walpole. Correspondence; secretary Craggs to earl Stanhope.

† "This Proclamation put a stop to the late pernicious projects and undertakings, which to the number of about a hundred, were first set on foot and promoted by crafty knaves; then pursued by multitudes of covetous fools; and, at last, appeared to be in effect, what their vulgar appellation denoted them to be, viz Bubbles, or mere cheats. It was computed, that near one million and a half sterling, was won or lost by these extravagant and unwarrantable practices, whereby many unwary persons were defrauded and impoverished, and a few busy upstarts enriched, to the great detriment of domestic trade." Political State.

Proclamation, several of the illegal projects were still carried on; upon which the Lords Justices, on the 12th of July, to put a stop to all farther proceedings, ordered all the Petitions,* that had been presented for Patents and Charters, to be dismissed

* The following is a Copy of the said Order*

At the Council Chamber, Whitehall, the 12th of July 1720. Present, their Excellencies the Lords Justices in Council.

Their excellencies the lords justices in council taking into consideration the many inconveniences arising to the public, from several projects set on foot for raising of joint stocks for various purposes, and that a great many of his majesty's subjects have been drawn in to part with their money, on pretence of assurances that their Petitions for patents and charters, to enable them to carry on the same, would be granted: to prevent such impositions, their excellencies, this day, ordered the said several Petitions, together with such reports from the Board of Trade, and from his majesty's Attorney and Solicitor general, as had been obtained thereon, to be laid before them, and after mature consideration thereof, were pleased, by advice of his majesty's privy-council, to order, That the said Petitions be dismissed. Which are as followeth:

" Petition of several persons, praying letters patents for carrying on a fishing trade, by the name of the Grand Fishery of Great-Britain.

" Petition of the company of the Royal Fishery of England, praying letters patents for such farther powers as will effectually contribute to carry on the said fishery.

" Petition of George James, in behalf of himself, and divers persons of distinction, concerned in a national Fishery, praying letters patents of incorporation to enable them to carry on the same.

" Petition of several merchants, traders, and others, whose names are thereunto subscribed, praying to be incorporated for reviving and carrying on a Whale fishery to Greenland and elsewhere

" Petition of sir John Lambert, and others thereto subscribing, on behalf of themselves, and a great number of merchants, praying to be incorporated for carrying on a Greenland Trade, and particularly a Whale fishery in Davis's Streights.

" Another petition for a Greenland trade.

" Petition of several merchants, gentlemen, and citizens thereto subscribing, praying to be incorporated for buying or building of ships to let or freight.

" Petition of Samuel Antrim, and others, praying letters patents for sowing hemp and flax.

" Petition of several merchants, masters of ships, sail-makers, and manufacturers of sail-cloth, praying a charter for an incorporation, to enable them to carry on and promote the said manufactory by a joint stock.

The several sums, intended to be raised by these projects, amounted to no less than 300 millions sterling, a sum so immense, that it exceeds the value of all the lands in England, at the rate of 20 years' purchase However, the eagerness of getting riches, by quick and easy

" Petition of Thomas Boyd, and several hundred merchants, owners and masters of ships, sail-makers, weavers, and other traders, praying a charter of incorporation, impowering them to borrow money for purchasing lands, in order to the manufacturing sail-cloth, and fine Holland.

" Petition on behalf of several persons intrusted, in a patent granted by the late king William and queen Mary, for the making of linen and sail-cloth, praying, that no charter may be granted to any persons whatsoever for making sail-cloth, but that the privilege now enjoyed by them may be confirmed, and likewise an additional power to carry on the cotton and cotton-silk manufactures

" Petition of several citizens, merchants, and traders, in London, and other subscribers to a British stock, for a general insurance from fire in any part of England, praying to be incorporated for carrying on the said undertaking.

" Petition of several of his majesty's loyal subjects of the city of London, and other parts of Great-Britain thereto subscribing, praying to be incorporated for carrying on a general insurance from losses by fire within the kingdom of England

" Petition of Thomas Burges, and others, his majesty's subjects thereto subscribing in behalf of themselves and others, subscribers to a fund of 1,200,000*l* for carrying on a trade to his majesty's German dominions, praying to be incorporated by the name of the Harbourg company.

" Petition of Edward Jones, a dealer in timber, on behalf of himself and others, praying to be incorporated for the importation of timber from Germany.

" Petition of several merchants of London, and others, praying a charter of incorporation for carrying on a salt work.

" Petition of captain Macpheadris, of London, merchant, on behalf of himself and several merchants, clothiers, hatters, dyers, and other traders, praying a charter of incorporation, impowering them to raise a sufficient sum of money, to purchase lands for planting and rearing a wood called Mader, for the use of the dyers.

" Petition of Joseph Galendo, of London, snuff-maker, praying a patent for his invention to prepare and cure Virginia tobacco for snuff, in Virginia, and making it into the same within all his majesty's dominions"

LIST OF BUBBLES.

Besides the Projects and Undertakings above-mentioned many others had been set up and carried on, under the names of Bubbles, viz.

For the importation of Swedish iron.

methods, had, at that time, so intoxicated the minds of most people of all degrees, that the most extravagant Bubbles found many subscribers: some of whom sold their first sub

For supplying London with sea-coal, a subscription of three millions.

For building and rebuilding houses throughout all England, three millions

For making of muslin.

For carrying on and improving the British allum-works

For effectually settling the island of Blanco and Sal-Tortugas.

For an engine to supply fresh water for the inhabitants of the town of Deal.

For buying and importing of Holland, Flanders-Lace, &c.

For improvement of lands in Great-Britain, four millions subscription.

For encouraging the breed of horses in England, and improving of glebe and church-lands, and repairing and rebuilding parsonage and vicarage houses.

For making of iron and steel in Great-Britain

For improving land in Flintshire, one million

For purchasing lands, &c. to build on, two millions

For trading in hair.

For erecting salt-pans in Holy-Island, two millions.

For buying and selling estates, lending money on mortgages, &c.

For carrying on an undertaking of great advantage, but nobody to know what it is.

For paving the streets of London, two millions

For furnishing funerals to any part of Great-Britain.

Another for buying and selling lands, and lending money at interest, five millions.

For carrying on the royal fishery of Great-Britain, ten millions.

For assuring of seamen's wages.

For erecting loan-offices for the assistance and encouragement of the industrious, two millions.

For purchasing and leasing improveable lands, four millions

For importing pitch and tar, and other naval stores, from North-Britain and America.

For the cloathing, felt, and pantile trade.

For purchasing and improving a manor and myalty in Essex, &c.

For insuring of horses, two millions.

For exporting the woollen manufacture, and importing copper, brass, and iron, four millions.

For a grand dispensary, three millions.

For erecting mills for milling of lead, and purchasing of lead mines, &c. two millions.

For improving the art of making soap.

For a settlement on the island of Santa Cruz.

For sinking pits, and melting lead-ore in Derbyshire

For making glass bottles, and glass.

For a wheel for perpetual motion, one million.

For improving of gardens.

For insuring and increasing children's fortunes.

For entering and loading goods at the Custom-house, and for negotiating business for merchants.

For carrying on a woollen manufacture in the North of England.

For importing walnut-tree from Virginia, two millions.

For making Manchester stuffs of thread and cotton.

For making Joppa and Castile soap.

For the wrought iron and steel manufactures in this kingdom, four millions.

For dealing in lace, Hollands, cambricks, lawns, &c. two millions.

For trading in, and improving certain commodities of the product of this kingdom, &c. three millions.

For supplying the London markets with cattle.

For making looking glasses, coach-glasses, &c. two millions

For the tin and lead mines in Cornwall and Derbyshire.

For making rape oil.

For importing beaver-fur, two millions.

For making pasteboard, packing-paper, &c.

For importing of oils and other materials used in the woollen manufactures.

For improving and increase of the silk manufacture.

For lending money on stocks, annuities, tallies, &c.

For paying pensions to widows, &c. at small discount, two millions.

For improving malt-liquors, four millions.

For a grand American fishery.

For purchasing and improving fenny lands in Lincolnshire, two millions

For improving the paper manufacture in Great Britain.

The bottomry society.

For drying malt by hot air

For carrying on a trade in the river Oroonoko in America

For the more effectual making of baize in Colchester and other parts of Great Britain.

For buying of naval stores, supplying the victualling, and paying wages of the workmen.

For employing poor artificers, and furnishing merchants and others with watches.

For improvement of tillage, and the breed of cattle.

Another for the improvement of our breed of horses

Another for insuring of horses.

For carrying on the corn trade of Great Britain.

For insuring to all masters and mistresses the losses they shall sustain by servants, three millions

For erecting houses or hospitals, for taking

scriptions at a great profit, whereby the last buyers were considerable losers.

The transfer-books of the South-Sea Company were shut up the whole month of July. During that time, there was no great variation, except only that the price of the capital stock decreased gradually, from above 1000 to 950, in proportion as the third subscription at 1000 rose to 330 advance or clear profit. In the mean time, the directors, at a meeting on the

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in and maintaining bastard children, two millions.

For bleaching of course sugars, without the use of fire, or loss of substance.

For turnpikes and wharfs.

For insuring from thefts and robberies.

For extracting silver from lead.

For making China and Delft ware, one million.

For importing of tobacco, and exporting it again to Sweden, &c. four millions.

For making iron with pit coal.

For furnishing the cities of London and Westminster, and the suburbs, with hay and straw.

For a sail and packing-cloth manufactory in Ireland.

For taking up ballast.

For buying and fitting out ships to suppress pirates.

For importing timber from Wales, two millions.

For rock-salt.

For the transmutation of quick-silver into a malleable fine metal.

About this time the following Ballad was publicly sold and cried about in Exchange Alley, "which could not," says the author of the Political State, "but be grating to the ears of many of the nobility, gentry, officers of the army and other persons; who, by this time plainly saw, that by the mysterious management of crafty knaves, they had been led into a labyrinth, from whence they could not get out without the loss of a considerable part of their estates."

A SOUTH SEA BALLAD; or, Merry Remarks upon Exchange Alley Bubbles. To a new Tune, called, 'The Grand Elixir; or, the 'Philosopher's Stone discovered.'

1.

In London stands a famous pile,
And near that pile an Alley,
Where merry crowds for riches toil,
And wisdom stoops to folly.
Here sad and joyful, high and low,
Court Fortune for her graces;
And as she smiles, or frowns, they show
Their gestures and grimaces.

2.

Here stars and garters do appear,
Among our lords the rabble.
To buy and sell, to see and hear
The Jews and Gentiles squabble.
Here crafty courtiers are too wise
For those who trust to fortune;
They see the cheat with clearer eyes,
Who peep behind the curtain.

3.

Our greatest ladies hither come,
And ply in chariots daily;
Oft pawn their jewels for a sum,
To venture in the Alley.
Young harlots too, from Drury Lane,
Approach the 'Change in coaches,
To fool away the gold they gain
By their obscene debauches.

4.

Long-Heads may thrive by sober rules,
Because they think, and drink not;
But Headlongs are our thriving fools,
Who only drink, and think not.
The lucky rogues, like Spaniel dogs,
Leap into South Sea water,
And there they fish for golden frogs,
Not caring what comes a'ter.

5.

'Tis said, that Alchymists of old
Could turn a brazen kettle,
Or leaden cistern into gold,
That noble, tempting metal.
But if it here may be allowed
To bring in great and small things,
Our cunning South Sea, like a god,
Turns nothing into all things.

6

What need have we of Indian wealth,
Or commerce with our neighbours?
Our constitution is in health,
And riches crown our labours.
Our South Sea ships have golden shrouds,
They bring us wealth, 'tis granted;
But lodge their treasure in the clouds,
To hide it till it's wanted.

7.

O Britain, bless thy present state,
Thou only happy nation;
So oddly rich, so madly great,
Since Bubbles came in fashion!
Successful rakes exert their pride,
And count their airy millions;
Whilst homely drabs in coaches ride,
Brought up to town on pillions.

8

Few men, who follow reason's rules,
Grow fat with South Sea diet;
Young rattles and unthinking fools
Are those that flourish by it.
Old musty jades, and pushing blades,
Who've least consideration,
Grow rich apace, whilst wiser heads
Are struck with admiration.

9.

A race of men, who t'other day
Lay crush'd beneath disasters,
Are now by Stock brought into play,
And made our lords and masters.

9th of July, resolved to open their books for taking in subscriptions of the lottery tickets, and other short annuities, to the amount of six millions sterling. But, though they did not then think fit to declare at what rate they designed to take those effects, yet the proprietors entirely trusted to their integrity, and readily subscribed the same on the 14th and 15th of that month. After which the books were shut up. From that time to the end of July, the stock fell gradually from about 1000 to 900, including the Midsummer dividend. In the mean time, it being confidently reported, that the capital stock was to be inlarged by a fourth subscription in money, some persons in eminent stations desired the principal managers to put off the subscription, till the proprietors of the remaining part of the long annuities had subscribed, since the taking in of those public debts, in order to make them redeemable, was the main view, upon which the ministry and the parliament thought fit to encourage the South-Sea project. Some pretend, that the men in power made this step, not only to free themselves from the importunity of many, who sued to be set down in their lists, for a share in the next subscription; but also, in order to reserve part of the to be increased capital stock, till a new set of directors were chosen, who should have a share in the profits of future subscriptions, in case the humour of buying up the same at an advanced price should last so long. However that be, in a committee of the Directors the 27th of July, it being considered that several persons, admitted as subscribers to the third subscription in money, had not yet made their first payment, it was resolved, That none but the Proprietors of their capital and increased stock should be admitted into the next subscription to money, at the rate of 20 per cent. so that a proprietor of 1,000*l.* capital stock should be intitled to subscribe 200*l.* In this Resolution, they, who hitherto had carried on this great project, with equal skill and success, had undoubtedly two things in view; first, to allay the murmurings of many of the old proprietors, who complained, that the directors and great men at court had ingrossed for themselves and their dependants most of the profits of the three first subscriptions. And, secondly, That, in case the eagerness of buyers should abate, which was to be apprehended from the daily sinking of the price of South-Sea stock, the company might be assured, that the new subscribers would make the several payments, to which they should submit themselves, and for which their capital stock would be a sufficient security. On the other hand, many of the old proprietors were so far from looking upon this Resolution as a favour, that on the contrary, they did not stick to say, 'That the directors, 'having had cream for themselves, would now 'give the proprietors the sour milk.' This complaint seemed to be the better grounded, because it was well known that those, who had got most by the South-Sea, daily endeavoured to sell out, and secure their vast profits; and, in particular, that the principal projector of this scheme had bought considerable estates in Norfolk and other counties.*

Pursuant to what had been desired, it was resolved on the 3d of August, at a Court of Directors, to receive subscriptions of all the remaining Long and Short annuities, Lottery Tickets, and other Public Securities, both redeemable and irredeemable. For which purpose the Books were opened the next day at the South-Sea house, and continued so till the 11th of August. The day after, the Directors published the terms they intended to allow to the proprietors. For every 100*l.* a year of the Long Annuities, they offered 400*l.* in the capital stock which at 800*l.* per cent. (the price then of stock, exclusive of the Midsummer dividend) amounted to 3,200*l.*, and in bonds or money 400*l.* making in all 3,600*l.* or 36 years' purchase. For every 90*l.* a year of the Short Annuities they allowed 200*l.* stock, which at 800*l.* per cent. amounted to 1,600*l.* or 17 years' purchase, and 7-umths. The redeemable Annuities and debts (as well those at 4 per cent. as those at 5 per cent.) were to be taken in at 105 per cent. and allowed for the same in capital stock at the rate of 800*l.* per cent. exclusive of the Midsummer dividend.

Many of the Annuitants were not satisfied with these offers, which, they said, put so great a disparity (no less than near half by half) between them and the former subscribers; for, by the resolution of the Directors of the 19th of May, there was allowed, for every 100*l.* a year of the Long Annuities, 700*l.* in the capital stock,

But should our South Sea Babel fall,
What numbers would be frowning?
The losers then must cast their gall,
By hanging or by drowning.

10.

Five hundred millions, notes and bonds,
Our Stocks are worth in value;
But neither he in goods or lands,
Or money let me tell ye.
Yet though our foreign trade is lost,
Of mighty wealth we vapour;
When all the riches that we boast,
Consist in scraps of Paper.

* How great the general infatuation or thirst of gain was, appears from the following instance. A proposal was offered 'For carrying 'on an undertaking of great advantage, but 'nobody to know what it is.' The projector formed a scheme for half a million, by which every subscriber, paying down two guineas for subscribing, was to have 100*l.* a year for every 100*l.* so subscribed. But how this was to be done did not appear in the proposals, where it was also said, that in a month the particulars of the project should be laid open, and the money subscribed was then to be paid in. As extravagant as this scheme was, the projector in a forenoon received 1000 subscriptions, with which, amounting to 2,000 guineas, he went off in the afternoon.

besides 10*l.* per cent. for the Midsummer dividend, and, in bonds or money, 57*5l.* all which (computing the stock at 800*l* per cent as it was given to the present subscribers of the like annuities) amounted to 6,735*l.* whereas, by these last Resolutions, there was allowed, for the same Annuities, only 3,600*l* For this reason some of the last subscribers went to the South-Sea house, in order to withdraw their effects, but they were told by the clerks, that there was no order from the directors for delivering them back; so the affair rested, for some time, undetermined.

The uneasiness of the Annuitants put a fresh damp upon the South-Sea stock; but what affected it more was the boldness of many persons concerned in the illegal projects, who, in open defiance to the late acts of parliament, to the king's proclamation, and to the orders and prohibitions of the Lords Justices, carried them on. Some of these companies, authorised either by charters or acts of parliament, did considerable prejudice to the South-Sea, by endeavouring to procure subscriptions. Upon this, the principal Directors of the South-Sea applied to those at the helm, and obtained an Order against them from the Lords Justices, which was published in the London Gazette of August the 20th, and which greatly affected the stocks of the York-Buildings Company, the Lustring Company, the English Copper, and the Welsh Copper and Lead, and of other illegal projects. This very much alarmed the persons concerned in these companies, some of whom sustained considerable losses, and all of them saw their extravagant hopes and expectations entirely vanish. Upon the murmurings occasioned by their disappointment, the Lords Justices ordered the Directors of these Companies to attend them at a general council, the 23d of August, where they condescended to tell them the reasons, that had obliged them to order a prosecution against them The Directors, both of the Royal Exchange, and of the London Assurance, attended likewise, and were cautioned to keep strictly to the limitation of their charters, that no complaint might be against them.

The Companies ordered to be prosecuted, having recovered their fright, and consulted able lawyers, seemed resolved to stand trial, and assert their rights of managing their own affairs as they pleased. The Welsh Copper miners were yet more bold and refractory, for that very day (August 23) they opened their books, and made transfer of their stock.

Before the Lords Justices had caused their order to be published, they sent a compliment to the prince of Wales, to acquaint him, that the Company of English Copper, of which he had been pleased to be chosen governar, being illegal, they were obliged to involve it in the order; upon which the Prince sent a message to the Company, desiring them to choose another governor.

All this while the South-Sea Stock continued sinking; so that on the 17th of August, it fell to 830, including the Midsummer dividend; which having given the directors no small uneasiness, some of their agents were immediately detached into Exchange-Alley, to buy a considerable quantity of stock, which thereupon rose to 880*l.* But, the humour of selling out continuing the two following days, the stocks fell again to 820, at which price the transfer books were opened on the 22d of August. That day, and the next morning, there was a great croud at the South-Sea house; and the directors observing, that great quantities of stock had been bought at a thousand, and even at higher rates, for the opening of the books, and that many persons would be obliged to sell out, in order to pay the difference, which could not fail of sinking the stock yet lower, they came to a sudden and unexpected resolution to shut the transfer books; and the next day to open other books, for taking in a money subscription of one million, to the capital stock, at the rate of 1,000*l.* for every 100*l.* capital stock, to be paid in five payments, 20*l* per cent in bond, and the rest in four equal payments. Accordingly the subscription books were opened the 24th of August; and there was such a croud of subscribers, and amongst them not a few of the prime nobility, that, in less than three hours, more than the intended sum was subscribed; and that very afternoon this fourth subscription was sold in Exchange Alley at 30 or 40 per cent advance. The next day the principal directors, having consulted together about their future management, came to several Resolutions, of which, that very evening, they informed the public by the following Advertisement:

South-Sea House, Aug. 25, 1720.

'The court of directors of the South-Sea 'Company give notice, that the transfer books 'of the company will be shut from the 31st day 'of August to the 21st of September, in order 'to the admitting as well the proprietors of the 'original capital stock, and of the stock for 'the last Midsummer dividend, as the proprietors of the stock for all the Long Annuities, 9 per cents, and Tickets of Lottery 1710, 'and of the several redeemable debts, which 'have been subscribed or deposited, or authorised to be subscribed into the capital stock, 'and also the proprietors of the first, second, 'third, and fourth money subscriptions of the 'company into a subscription of 20 per cent. of 'the capital stock, upon the terms agreed upon 'by the court of directors. The company will 'lend the first payment for the intended subscription to all the proprietors of the original 'and dividend stock, and of the subscription in 'the Long Annuities, 9 per cents, and Tickets of 'Lottery 1710, and in the redeemable debts; 'and of the first and second money subscriptions, without transferring their stock, or depositing the subscription receipts; which 'subscription books will be opened on the '12th of September; and such of the proprietors, as do not subscribe within that time,

'will be excluded the benefit of the subscription.'

The next day (August the 26th) the transfer-books were opened again; but the South sea stock, instead of advancing, being by this time fallen under 800, the directors, who had now large sums of money in their hands, thought fit to lend to their proprietors 400*l.* upon every 1000*l.* stock for six months, at the rate of 4 per cent which enabled some of those, who had bought stock at a higher price than the present, to satisfy their creditors. What still embarrassed the directors was the case of the Annuitants and others, who had lately subscribed their public securities, and who thought it a great hardship to have the stock given them at 800*l.* per cent. when it was now little above 700, exclusive of the Midsummer dividend. In order to silence these and the like murmurings, a long consultation, on the 30th of August, after the directors came to a resolution, "That 30 per cent. in money should be the half year's dividend due at Christmas next, and from thence for twelve years, not less than 50 per cent. in money should be the yearly dividend on their stock." What effect this resolution had, was soon after manifest; for, though it raised the stock to about 800 for the opening of the books, yet it soon sunk again, and in about three weeks fell gradually below 700.

The Directors, having resolved the future dividends, thought it time to procure the sanction of the whole corporation; for which purpose they appointed (Sept 8) a General Court to be held at Merchant-Taylors Hall, declaring, That this assembly would be one of the half-yearly general courts appointed by the charter, and to chuse a committee of seven, to inspect the by-laws.

On the appointed day, the friends of the Directors took care to repair betimes to Merchant-Taylors Hall, which, by nine o'clock in the morning, was filled, and many proprietors and annuitants, who endeavoured to get in, could not gain admittance. The directors having taken their seats between eleven and twelve o'clock, sir John Fellows, sub-governor, acquainted the assembly with the occasion of their meeting; read to them the several Resolutions of the Court of Directors; and gave them an account of their proceedings; of the taking in both the redeemable and irredeemable funds, and of the subscriptions in money. This done, Mr. Craggs, senior, made a short speech, wherein he commended the conduct of the Directors; and urged, that nothing could more effectually contribute to the bringing this scheme to perfection than union among themselves, and concluded with a motion, for thanking the court of Directors for their prudent and skilful management, and for desiring them to proceed in such methods, as they should think most proper for the interest and advantage of the corporation.

Mr. Craggs was seconded by Mr. Hungerford, who said, 'That he had seen the rise 'and fall, the decay and resurrection of many 'communities of this nature, but that, in his 'opinion, none ever performed such wonderful 'things in so short a time, as the South-Sea managers had brought about: that they had done more than the crown, the pulpit, and the magistrate could do: for they had reconciled all parties in one common interest, and thereby laid asleep, if not wholly extinguished, our domestic jars and animosities: that by the rise of their stocks the monied-men had vastly increased their fortunes: the country gentlemen had seen the value of their lands doubled and trebled in their hands; and they had, at the same time, done good to the church, not a few of the reverend clergy having got great sums by this project; that, in short, they had enriched the whole nation, and he hoped they 'had not forgot themselves.' One or two members of the assembly having offered to speak in favour of the annuitants, to censure the conduct of the directors, they were presently hissed to silence, and Mr Hungerford, resuming his speech, continued justifying and applauding the directors, and concluded with supporting Mr Craggs's motion. The duke of Portland spoke on the same side, and said, 'that he did 'not know what reasons any body had to be 'dissatisfied;' and gave in a draught of the motion for returning thanks to the directors; which being read by the clerk, it was unanimously approved. It was likewise agreed, that, according to the Resolution of the Directors, "the next Christmas dividend on the stock and subscriptions in money should be 30 per cent and that a dividend of not less than 50 per cent. per annum be made from Christmas next, in half yearly payments, for not less than twelve years, upon the whole stock and subscriptions." They likewise agreed with the Court of Directors, to omit the 20 per cent. subscription in money, which had been intended for the proprietors of the original stock and former subscriptions. After which a motion was made, "That the last subscribers, both of the redeemable and irredeemable funds, should have the alternative, either to withdraw their orders, or accept the terms offered them by the Court of Directors." But, the question being put, it was carried in the negative, three or four voices excepted. Then, upon the earl of Orkney's motion, the general court was adjourned.

But, though the Directors carried their main point in the general court, yet the negative put upon the motion, in the behalf of the last subscribers, highly increased the public discontent, and raised such a distrust of the honesty of the managers, that the same day (Sept 8) the stocks fell to 640, and, on the morrow, to 550. Upon this, the directors resolved to open the transfer-books the Monday following, which having thrown some damp upon the Stock jobbing in the Alley, the South-Sea rose that day (Sept. 9,) to 640. On the other hand, several of the last subscribers of annuities went with a public notary to the South-Sea House, to demand their orders; and upon the refusal of the officers to

deliver them, the proprietors made their protests in due form, and resolved to seek their remedy at law. In the mean time, they loudly complained of the unfair manner, in which they were drawn in to subscribe their annuities; for, it seems, at the top of every page of the subscription-book, there was a short letter of attorney, whereby the subscribers impowered three persons, therein named, to accept such terms, as the company should think fit to give them for their effects; which they alledged to be a mere trick, not one in a hundred of the subscribers having read the insnaring preamble.

On the 10th of September, the directors caused the following advertisement to be published: 'The court of directors give notice, 'that the dividends for Christmas next, and 'afterwards, voted by the general court on the '8th of September, which shall become due on 'the four money subscriptions, already taken 'for the sale of the stock of the company, will 'be allowed in part of the payments, which shall 'become due on the subscriptions; and that 'the 10 per cent. stock for the last Midsummer 'dividend, on the first, second and third of the 'money subscriptions, will be intitled to the 'like dividends, and be allowed in further part 'of the payment on those subscriptions. And 'whereas the transfer-books of the company 'were advertised to be shut from the 31st of 'August last, to the 21st of September, in order 'to the making the subscriptions of 20 per 'cent intended for the proprietors; and the 'general court having since agreed, that this 'subscription be omitted, the court of directors 'give notice, That the transfer-books will be 'opened on the 12th instant, and will continue 'open as usual.'

Some of the managers vainly expected, that this advertisement would have contributed to the keeping up the stock; but, as it continued sinking, they were obliged to have recourse to more effectual methods. They made some secret advances towards an union with the East-India company; but, a secret committee of that company, appointed to consider of their offers, not having thought proper to accept them, they were forced to court the assistance of their rival, the Bank of England. At the earnest desire, and by the zealous interposition of Mr. Secretary Craggs, several conferences were held between a select number of the directors of those two corporations; which raised so great an expectation, that on the 12th of September*, in the morning, upon a report, that they had come to an agreement for circulating six millions of the South-Sea company's bonds, the stock rose immediately to 670;

* "Sept. 13 I came (as I told you I would) to towne, in order to adjust the matter of your Lottery ticketts, pursuant to the advertisement from the South Sea company. Yesterday was the day appointed, butt (as is customary with them) they have putt itt of, and those concerned are to watt their leisure, and take such satisfaction as they thoke fitt to give. Wea made them kings, and they deal with every body as such; those whoe submitt and subscribe are at their mercy; thosa whoe doe nott, are to be opprest in such manner, as shall make what is due to them of little use; and all this, I suppose, they are to be supported in, having engaged the House of Commons soe far in their interest, by wayes obvious to every body, that I thinke the nation will bee to beare such part of the losse sustained by private persons, as the company shall thinke fitt, whilst the gaine obtained by fraud and villanous practices, is to turne to their advantage. I foresaw this from the beginning, and have us many witnesses of itt, as persons I converst with; but I owne, I thought they would have carryed on the cheat somewhat longer. Various are the conjectures why they suffered the cloud to breake soe early. I made noe doubt butt 'twould doe soe when they found itt for their advantage, which nott being the case just att this time, some other reason must bee found; and the true one I take to bee, stretching credit soe far beyond what 'twould beare, that specie proves deficient for supporting itt, by circulating paper. It is observable, that many of their most considereble men, with their fast friends, the tories, jacobites, and papists (for these they have all along hugged) have drewna out, securing themselves by the losses of the deluded thoughtlesse numbers, whose understandings were over-ruled by avarice, and hopes of making mountains of mole hills. Thousands of families will be reduced to beggery, what the consequences of that will bee, time must shew; I know what I thought from the beginning, and feare 'tis very near att hand. The consternation is inexpressible, the rage beyond expression, and the case so desperate, that I doe nott see any plan or scheme, so much as thought of, for averting the blow, soe that I can't pretend to guesse att what is next to bee done.

"Sept. 27. The Company have yett come to noe determination, for they are in such a wood, that they know nott which way to turne, butt 'tis, given out (I suppose by direction) that they will lower the price of the third and fourth subscriptions, and offer more reasonable termes to the redeemables, leaving to their option the acceptance, or returne of their severall securityes, these to remain on the foote they are, till discharged by payment in mony; noe doubt att first they intended nothing lesse, but as Mr. Budgell told them in the generall court, since the mountain would nott come to Mahomet, hee must goe toe the mountaine. You misunderstood mee in thanking, I expected a speedy dissolution: that had been considered and laj'd aside, notwithstanding which, as earnest application was every where making, as if elections were to begin within a month, this was begun by the South Sea-men, and great sumes have they already spent, butt, if I mistake not, they will meet with more disappointments, than they expected;" for by several gentlemen, lately

but in the afternoon, as soon as that report was known to be groundless, the stock fell again to 580; the next day to 570, and so gradually to 400; which increased the murmurings and complaints of the last subscribers, and exposed several of the directors to public insults.

Mr. Robert Walpole, who was paymaster of the army, and lived the greatest part of that summer in the country, to avoid giving offence to those that had, with the directors, the management of the South-Sea affairs, being then thought to have great credit and influence with the Bank, was sent for out of the country, and importuned to use his interest to induce the Bank to agree to a Proposal made by the South-Sea Company, for circulating a number of their bonds.

It is to be observed that nothing of this kind arose from the Bank, or was at their motion: and, as far as it appears, nothing but an apprehension of the people's resentment, with which they were loudly threatened, could have prevailed with the Bank to have treated at all with the South-Sea Company, and involve themselves in their calamities. But the clamour was irresistible, and the Bank, out of necessity, hearkened to the Proposals of the South-Sea Company, for from them every step and motion proceeded.

The first expedient was for the Bank to circulate bonds of the South Sea Company to a certain value for a time to be agreed upon, and a proposal to that effect was, on the 16th of September, sent to the Bank by the Sub and Deputy Governors of the South-Sea Company.

This not being refused immediately, it was proposed, that there should be a meeting of a Committee, consisting of five of each Company, at the post-master's house, where were likewise present, lord president, Mr Secretary Craggs, the chancellor of the exchequer, and Mr. Craggs, post-master-general *. The meeting was on

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come to towne, I perceive the very name of a South Sea-man, growes abominable in every country.

"Your remark is very just, that if this great Leviathan intended to have been directors of the whole national affairs, as well as of the company doe fall, itt will necessarily occasion, such a convulsion, as noe honest man desires; but I think there remains a middle way between the two extremes, by supporting their creditt, as far as in reason itt ought to bee supported, distinguishing between what ought properly to bee call'd creditt, and chimericall calculations, and the one is certainly practicable, without running into the other. A great many goldsmiths are already gone of, and more will daily. I question whether one third, nay a fourth can stand itt; the cause of which, is this, those whine had either originally, or buying with money gott by taking differences, run into pretty considerable quantityes of stock, nott being therewith content, butt resolving to sitt down with nothing lesse then hundred thousands, in order to obtaine which, gave vast premiums to the goldsmiths for money, pawning their stock some att four, others att five and six hundred, this being lookt upon as good as land security: the money thus lent by the goldsmiths was in cash notes, which whilst paper had creditt, answered the end as well as specie; butt assoon as a run was upon them, they found (by reason of the stocks sinking) their pledges would nott produce cash to answer their notes, and thus one after another are they every day going of.

"From the very beginning, I founded my judgment of the whole affair upon this unquestionable maxim, that ten millions (which is more then our running cash) would not circulate two hundred millions, beyond which our paper creditt extended; that therefore, when ever that should become doubtfull, bee the cause what it would, our noble state machine must inevitably fall to the ground, or att best bee brought within soe much a narrower compasse then what was projected, that our most sanguine people would find nothing more appointely expressive of their vain hopes then

Parturiunt montes, nascetur ridiculus mus.

"I endeavoured, with as honest and friendly intention, to persuade as many of my friends as I conversed with, to secure the main chance, and nott dip (at least) out of their depth, in case they should resolve to goe with the current. Some few were prevailed upon by such arguments as I thought well founded, whose hearty thanks and acknowledgments I have receiv'd; butt the far greater part concluding (as I must own I did) that the thing would have beeo carryed on for some longer time, have on this supposition, run themselves aground, which they dearly repent: into this they were generally lead by assurances from the gent. whose nose bled, and whoe himselfe was certainly duped by the honest directors from whom hee receiv'd information, whilst they were all the time (underhand) selling out as fast as they could. That he was duped, I thinke past doubt, from his having by his influence, brought all his particular friends, and even his owne family and nearest relations, soe far into the mire, as that few of them will, during their lives, surmount the losse, others of them are soe totally undone, as to bee beyond possibilty of retrieving itt. Possibly, before the end of next session, I may bee called a South Sea-man, for I shall nott join with those whose losses have soe far exasperated them, as to bee desirous, out of revenge, to run into extremes, which may endanger the nation. Farewel"—Coxe's Walpole. Correspondence; Mr. Thomas Brodrick to lord Chancellor Middleton.

* The five directors of South-Sea were, Sir John Fellows, sub-governor; Charles Joye, deputy-governor; Sir Theodore Jansen, Mr. Gore, Mr. Chester. The five Bank Directors were, Mr. Hanger, governor; Sir John Ward, Sir Gilbert Heathcote, Sir Peter Delmé, Sir Nathaniel Gould.

the 19th of September, three days after the Proposal.

This confercoce lasted many hours, with great reloctance on the part of the Bank, but was pressed with so much eagerness and authority on the other side, that the Bank was prevailed upon to yield.

It was thought proper, before they parted, that something should be reduced into writing, as a minute of the substance of what had been under consideration, and to serve as a foundation of a future agreement or contract between the two companies.

There was some little dispute who should draw the Minute, but it being the general desire of the company, that Mr. Walpole should do it, in the presence of the whole meeting, he put down in writing what has ever since been called, The Bank Contract, and which was in the following words: 'That the Bank of England shall undertake to circulate three millions of South-Sea bonds for one year, at a premium to be agreed upon by the two companies; a subscription to be taken, for enabling the Bank to carry on the circulation, — per cent. to be paid down by every subscriber, and — per cent. upon every call at a fortnight's notice; the contract with the subscribers to be made in the nature and form with former contracts, for circulating Exchequer bills, and the charges of circulation to be borne by the South-Sea company. That, in consideration of this undertaking, the South-Sea company shall pay the 3,700,000*l.* to be paid to the Bank, by notice of parliament, in South-Sea stock, at a price to be agreed on between the two companies.'

This Paper (which was all that Mr. Walpole ever wrote relating to the affair; for of the other meetings he was never once present) had no title or preamble, signifying what it imported, the premium for circulating, and what was to be paid down for the circulation, was left blank, and the most material part of the whole, at what price the Bank was to take the South Sea Stock for 3,700,000*l.* was referred to a subsequent agreement. So it could not, with any propriety, be called a Contract, but rather a rough draught of an agreement, void of all form or any manner of obligation.

The next day after this meeting (Sept. 20) there was a General Court of the South Sea Company, at Merchant-Taylor's-hall, where sir John Fellows, the sub-governor, acquainted them, 'That, since their last meeting, their 'stock having taken an unexpected turn to the 'disadvantage of the company, the directors 'had been consulting what might be most for 'the benefit of the corporation, and considering 'the great credit the Bank of England had 'justly gained, both at home and abroad, they 'had thought it for their interest to treat with 'that company for the circulating their bonds, 'and to grant them stock at a moderate price 'in lieu of the 3,700,000*l.* which the South-Sea 'Company was to pay them at Lady-day and 'Michaelmas, 1721. And that from the result 'of the meeting they had the night before with 'some gentlemen of the Bank, and some persons of the first rank, they doubted not but 'such an agreement might soon be perfected.' Hereupon Mr. Dawson moved, 'That the directors be impowered to agree with the Bank 'of England, or any other persons, to circulate 'the company's bonds, or make any other 'agreement with the Bank, which they should 'judge proper;' and he was seconded by sir John Eyles. Hereupon Mr. Hungerford moved for amending the latter part of the question, by making express mention of that other agreement. But Mr. Pulteney spoke for the question, and thought it best to use a latitude of expression, and so leave the directors at liberty to act as they should think proper for the interest of the company. He added, 'That it 'was a matter of surprise to see what a panic 'had seized upon the minds of the people, at a 'time when the nation was in profound peace, 'and had nothing to fear, either at home or 'from abroad. That, indeed, a rumour had 'been universally spread, as if the armament 'of the Spaniards was designed either against 'Port Mahon or Gibraltar; but that he took 'that report to be altogether false and groundless, and only intended to scandalize that 'potentate, and to terrify the people here, for 'he himself had seen and perused a copy of a 'letter, written by the express command of the 'king of Spain by his secretary of state to the 'British minister at Madrid, absolutely denying, 'in the strongest terms, any designs of the 'Spanish forces against any of his Britannic 'majesty's dominions.' That he was as much concerned in the company as most people, but that notwithstanding this general and terrible alarm, he had not disposed of any part of his stock; for he would think it a scandal to be rich, if the nation were ruined. That, however, he hoped the case would be quite otherwise; and he doubted not but the company would soon be restored to its former flourishing condition, since it was like to be supported by the Bank of England, a corporation, who by wise, though slow and cautious measures, had established its credit, not only at home, but even among foreigners.' Upon this the question was unanimously agreed to. Sir John Fellows then farther acquainted the assembly, 'That, 'the proprietors of the several annuities lately 'subscribed, as well as those interested in the 'two last money-subscriptions, being very much 'dissatisfied, fearing thereby to be great losers, 'the directors had thought it proper, that 'the terms should be lowered to make them 'easy.' Whereupon sir Matthew Decker moved, 'That power be given to the directors 'to relieve the annuitants, who came in upon 'the last subscription: as likewise the proprietors of the third and fourth money-subscriptions.' He was seconded by Mr. Cragg, senior, who among other things, said, 'That nothing could be more reasonable and just, than 'to give satisfaction to people who had trusted 'their fortunes and estates with the company,

'and that it would be a notorious robbery to 'take any advantage of their confidence in the 'honour and integrity of the directors.' This gave occasion to Mr. Budgel* to reflect in a speech, on the prodigious leap, from a subscription of 400*l.* to one of 1,000*l.* which left such a gap in the building, the words at last sunk to the ground. He then observed, that the fall of the stock was owing to the malicious rumour, that two or three of the very directors had basely betrayed the trust reposed in them. When he had done speaking, Mr Chester, one of the directors, spoke in vindication of his brethren, and said, 'That he knew of no proceed-'ings among them, but what were intended for 'the good of the whole company: that for his own 'part, he had not sold any of his stock, nor re-'served to himself any more of the subscriptions 'than what was allowed to each of the direc-'tors; and that his fortune would have been as 'large, if he had not been a director, that as 'to the great gap between the second and 'third subscription, in money, which was ob-'jected as a wrong step in the management of 'the company's affairs, he could assure them, 'that it was none of the directors fault, since 'they designed to have made the third sub-'scription at five or six hundred; but, the hu-'mour and eagerness of the people having run 'up the South Sea Stock to seven or eight 'hundred, they could not in prudence open a 'subscription at less than a thousand.' The assembly seemed to be very well pleased with Mr. Chester's speech; but many wondered, that none of his brethren took that opportunity to clear themselves, as he had done. Upon the whole matter, the court unanimously agreed to the question for relieving the last subscribers, and then adjourned.

Two days after, Sept. 22, there was a General Court of the Bank of England, when the governor acquainted them, that this was one of their quarterly and half yearly meetings, and that their directors had come to a resolution to declare the last half-yearly dividend at four per cent; to which the court having unanimously agreed, the governor proceeded, saying, 'He presumed, none could be ignorant 'there had of late been divers meetings 'and conferences between the directors of 'this company and the directors of the South 'Sea, under the influence and interposition of 'some persons of the highest figure and station: 'that they had made no agreement yet with 'the South Sea; but that the directors had 'thought fit to come to a resolution upon the 'matter.' Then the resolution was read; and, without any person's speaking to it, was immediately formed into a question to this effect: 'That, for the better support of the public 'credit, the directors of the bank of England 'be impowered to agree with the directors of 'the South Sea, to circulate their bonds to 'what sum, and upon what terms, and for what 'time, they shall think proper; and to make 'what other agreements with the South Sea, 'they shall judge to be for the interest of this 'corporation:' which question was instantly agreed to with great unanimity. Then the Governor acquainted them, that he believed books would be ready for a subscription to be taken in, the next day, for the purpose aforesaid, and that it would be on the usual terms, 15*l.* per cent. deposit, and 5*l.* per cent premium, and 5*l* per cent. interest, and then the court adjourned.

The Directors of the two Companies being thus empowered, a Committee of both met on the 23rd of September, and a Proposal was made by one of the directors of the South Sea Company, 'That the 3,700,000*l* (which the South 'Sea Company was to repay to the Bank at 'Lady-Day, and Michaelmas 1721) should be 'subscribed by the Bank into the stock of the 'South Sea Company, for which the Bank was 'to have such shares as the funds would pro-'duce, the stock being valued at 400*l* per 'cent.'

This Proposal was the next day reported at a court of the directors of the Bank; and, being agreed to, was the same day communicated, by a director of the Bank, to the court of directors of the South Sea Company.

This, in short, is the History of the famous Bank Contract, which has made so much noise. The substance of all which is, that, in the day of distress, the Bank was thought the

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* This is the Eustace Budgel alluded to by Pope

'Thrice Budgel aim'd to speak, but thrice suppress'd
'By potent Arthur, knocked his chin and breast.'

Again,

'Let Budgel charge low Grub-Street on his quill,
'And write whate'er he pleased, except his Will."

"The last line alludes to Tindal's Will, by which, and other indirect practices, Budgel, to the exclusion of the next heir, a nephew, got to himself almost the whole fortune of a man entirely unrelated to him. Respecting the circumstance hinted at, of Eustace Budgel having forged Dr. Tindal's Will, the reader might perhaps wish to have some further account. Dr. Tindal, of All Souls College, Oxford, of notorious character, the Author of Christianity as old as the Creation, left the following Will, 'I, Matthew Tindal, &c. (after a legacy to his 'maid-servant) give and bequeath to Eustace 'Budgel, the sum of two thousand one hundred 'pounds, that his great talents may serve his 'country, &c. my strong box, my diamond 'ring, MS. books, &c. (Signed) Mat. Tindal.'

"The reverend Nicholas Tindal, his nephew, author of the Continuation of Rapin, declared his suspicion that this Will was forged. This was generally credited, and Budgel, in 1737, threw himself out of a boat and was drowned. He wrote several of the Spectators; the History of the Boyles, earls of Shannon, &c. and a weekly pamphlet called the Bee. The cause of his death was supposed to have been in relation to this Will." Pope's Works, vol. 4, p. 62. Bowles, Edit. 1806.

only resource to support the sinking state of the South Sea Company. Every one that was thought capable of giving any assistance was called in: at the first conference Mr Walpole assisted, and the Bank was persuaded to undertake what was proposed to them. the first part of the proposition, and, indeed, the original proposal for circulating the bonds, upon which the first conference was held, was dropped by the South Sea Company; and the last article of taking South Sea stock at 400*l.* per cent. was carried on and accepted by a committee of the Bank. and this example, it was hoped, by the managers of the South Sea affairs, would fix the price of South Sea stock at that rate. but they were soon convinced by the daily fall of the stock, that this expedient would not answer: and the Bank quickly found, they had been prevailed upon to consent to what they were not able to perform, as will presently be seen.

When the Books were opened at the Bank, for taking in a subscription for the support of public credit, tha concourse of people, who readily brought in their money, was at first so very great, that it was judged the whole subscription, (which was intended for three millions) would have been filled that very day. but it happened, that the fall of the South Sea stock, and the discredit of that company's bonds, occasioned a run upon the most eminent goldsmiths and bankers, some of whom having lent out great sums upon South Sea stock, and other public securities, were obliged to shut up their shops and abscond. The Sword Blade Company (who hitherto had been the chief cash-keepers of the South Sea Company) being almost drained of their ready money, were forced to stop payment, and set up at their office written bills, giving notice, 'That 'they would pay any part of their notes in 'South Sea stock at 400*l.* per cent. or pay 'part in cash on the Monday following, and 'give five per cent interest on the rest till 'paid; and that they would take their own 'notes in payment of the monies they had 'lent.' This, being looked upon as a kind of Bankruptcy, increased the public calamity, and occasioned a great run upon the Bank, who were obliged to pay out money faster than they received it upon the subscription. But the festival of Michaelmas, on which the Bank was shut of course, gave it some breathing time

In the mean time, South Sea Stock continued sinking till Michaelmas-Day, when it was about 150, at which price it was on the 2nd of February, tha day after the House of Commons accepted the Proposals of the South Sea Company, whose low credit appeared yet more plainly, in that their bonds, payable on Michaelmas 1721, were now at above 25*l.* per cent discount

Pursuant to a former Resolution for relieving the last subscribers, a general court was held the 30th of September, wherein, after the agreement with the Bank was ratified, it was resolved that the proprietors of the irredeemable debts, taken in on the last subscriptions, should be allowed, for their several interests in the funds, the same terms, in all respects, as the Bank; and that the last subscription of the Long Annuities should be valued at 32 years purchase; and of the Short at 47 years purchase;* to be paid for in stock at 400 per cent. and be intitled to the last Midsummer dividend. And that all the Annuitants should be allowed the interest of their annuities to the 29th of September It was also agreed, that the third subscription, which was taken at 1000 per cent. should be reduced to 400 per cent. and the subscription receipts given out accordingly. That the 100 per cent. already paid, should be taken in part of the payment; and that the remaining 300 per cent. should be paid in nine payments, whereof the three next payments to be at 40 per cent each, and the other six payments at 30 per cent at six months distance from each other; the first payment of 40 per cent. to be the 2d of July 1721. It was also agreed, that the fourth subscription, which was taken at 1000 per cent. whereof 200 per cent. was paid down, should be also reduced to 400 per cent and that the remaining 200 per cent. should be paid in eight equal payments of 25 per cent. each, the first of which was to be the 26th of September, 1721, and the remaining payments, at six months distance from each other. That interest should be allowed to the company from Michaelmas, 1720, after the rate of 5 per cent per ann. to the respective times of payment of the said third and fourth subscriptions: And that the 10 per cent. dividend at Midsummer, should be also allowed on the third and fourth subscriptions. That the proprietors of the receipts of all the money subscriptions, should be allowed, in part of

* It may not be improper to insert here an Account of the Long and Short Annities, subscribed or unsubscribed.

	£.	s.	d.
Long Annuities, per ann. -	666,321	3	3
First subscription - - -	427,340	18	0
Second subscription - -	125,392	17	6
Unsubscribed - - - -	114,087	12	0
Short Annuities, per ann. -	31,000	0	0
First subscription - - -	48,132	0	0
Second subscription- - -	13,750	0	0
Unsubscribed - - - -	14,118	0	0
Lottery Annuities, 1710 - -	46,260	0	1
First subscription - - -	15,918	4	0
Second subscription - -	14,900	6	0
Unsubscribed - - - -	15,365	16	1
Redeemables - - - - -	16,546,482	7	1
Subscribed - - - - -	14,391,781	8	0
Unsubscribed - - -	2,152,694	7	1

their payments, the several dividends that should be made on the stock of the company, till their payments were completed That five per cent interest be allowed on all the company's bonds from the 29th instant till they should become due; and that any of the company's [illegible] at the money in the fourth payment [illegible] subscription, which would become due [illegible] October

These Resolutions gave no satisfaction to the Annuitants, nor put the least stop to the fall of the South Sea Stock. The Bank finding they were not able to stem the tide, without exposing the properties of their own principals and adventurers to be carried away and lost in the common deluge, they wisely kept themselves out of the general inundation, and did not care to be drowned with those they could not save They resolved to drop no agreement, which they were under no obligation to perform (had it been possible) and in which the South Sea had no power to compel them On the 10th of November, the governor of the Bank reported from the Committee, appointed to treat with the South Sea Company, that the transactions between the Bank and that Company had been laid before council, on behalf of the Bank; and that, the South Sea Company pressing for an answer of what had been done therein, the governor of the Bank had acquainted the deputy governor of the South Sea Company, that the Committee did not think fit, for the present, to proceed further in that affair, and had delivered to him in writing the following Answer.

'When the proposition was offered by the 'lords, at the meeting of the Committees of 'both Companies, as a suitable expedient for 'the support of public credit, the court of direc- 'tors of the Bank shewed their readiness to join 'in any measures, that might tend to the ser- 'vice of the public

'But, some difficulties appearing to the 'Committee of the Bank, they have consulted 'with their council, and they are advised, that 'considering the nature of this transaction, it 'will not be safe for them to proceed upon the 'proposition without consent of parliament. 'However, they think it reasonable, that, in 'the mean time, the Committee of the South 'Sea should give the Committee of the Bank 'some account of their estate, for the satisfac- 'tion of their principals'

About a week after, the following paper was sent to the Bank from the Lords of the Treasury. 'My lords desire, that the difficul- 'ties which have arisen (and upon which, they 'say, they have consulted their own council) 'concerning the late agreement between them 'and the South Sea Company, may be put in 'writing, and delivered to their lordships, as 'soon as possible, that their lordships may 'receive the opinion of the king's council.'

To this the following Answer was given: 'The Court of Directors of the Bank have, 'with the utmost deference, considered the 'message in writing, which your lordships were 'pleased to send them, and they humbly ap- 'prehend, they cannot better explain them- 'selves, than they have already done, in the 'manner they have given to the South Sea Com- 'pany, a copy whereof was delivered to your lord- 'ships, which contains the substance of what 'they [illegible] with their council thereupon.'

Thus ended the transactions between the two Companies, which (as it has been suggested) were carried on by the authors and promoters of them, with a design to take advantage of the first rumour of this supposed agreement, and draw in unwary persons, who desirous to retrieve their losses, were induced to buy stock at the price the Bank had agreed to take it. Those who had countenanced and run into every part of the South Sea Scheme, and were consequently deeply involved, were justly suspected of having contrived and taken advantage of the contract, by which means great numbers of deluded people were undone.

Thus, in the space of eight months, were seen the rise, progress, and fall, of that mighty fabric, which, being wound up by mysterious springs to a wonderful height, had fixed the eyes and expectations of all Europe, but whose foundation being fraud, illusion, credulity and infatuation, fell to the ground, as soon as the artful management of the projectors was discovered. The ebb of this swoln fluctuating credit returned with greater violence than it flowed, and carried every thing before it with that precipitation, that the application of the ministers of state, and the directors of the great companies jointly and seperately to stop it, were ineffectual. Express after express was sent to Hanover, to give the king information of the state of affairs, which was so urgent, that the king set out for England sooner than he intended, and arrived at London the 11th of November

The South Sea stock, which was 200 at the king's arrival, fell again upon the prorogation of the parliament, from the 25th of November to the 8th of December, to 135; but, on a report that the ministry had agreed with the principal directors of the South Sea, the Bank, and East India Company, upon a project which would very much conduce to the restoration of the public credit, it rose again to 210.

SIXTH SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech at the Opening of the Session.] December 8. This day the King came to the House of Lords, when the Lord Chancellor, by his majesty's command, read the following Speech to both Houses

"My Lords and Gentlemen,

"Since we last parted, the face of our affairs abroad is become more favourable the peace in the South only wants the form of a Congress, and that of the North is brought much nearer to a conclusion. I shall, at a proper time, order the several Treaties I have made to be laid before you; by which you will perceive the success of our endeavours to establish a peace

throughout Europe, and to secure and support the Protestant religion: at the same time, I can never sufficiently express my concern for the unhappy turn of affairs, which has so much affected the Public Credit at home

"Gentlemen of the House of Commons,

"I do most earnestly recommend it to you, that you consider of the most effectual and speedy methods to restore the National Credit, and fix it upon a lasting foundation. You will, I doubt not, be assisted in so commendable and necessary a work, by every man that loves his country, and especially by the several great Societies of this kingdom. I hope you will, on this occasion remember, that all your prudence, your temper, and resolution, are necessary to find out and apply the proper remedies to our misfortunes which will, if you succeed, serve to increase that reputation you have so justly acquired, particularly, if you shall be able, notwithstanding these difficulties, to discharge a part of the Public Debt.

"I have ordered the several Estimates to be laid before you of the expence of the ensuing year; and must desire you to dispatch the Supplies necessary for them

"My Lords and Gentlemen,

"I am glad to observe to you, that our trade does appear to have been more extended this year than in the preceding one; we have the most flourishing navy of any nation whatsoever to protect it; and I hope you will turn your thoughts to the best methods for the security and enlarging of our commerce. You may depend on my hearty concurrence to all such provisions, as shall appear to you necessary for the good of my people."

The Lords' Address of Thanks.] The Lords immediately agreed to the following Address:

"Most Gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your majesty the Thanks of this House, for your most gracious Speech from the throne; and to congratulate your majesty upon the near prospect of a general peace being established throughout Europe: and we do acknowledge, with the greatest gratitude, your majesty's care and endeavours for the security and support of the Protestant religion; towards the attaining which great ends, your majesty may depend upon our utmost support and assistance.

"We cannot sufficiently express to your majesty how much we are concerned at the present unhappy state of Public Credit: and we do, upon this occasion assure your majesty of our zealous and ready concurrence in all such methods as shall be most effectual and speedy to restore it, and fix it upon a lasting foundation; and also in all other measures that may tend to the securing and enlarging the commerce of these kingdoms."

The King's Answer.] To this the King gave the following answer:

"My Lords,

"I thank you for this dutiful and loyal Address; and I persuade myself, that your zeal for the good of your country, your temper, wisdom, and unanimity, will greatly contribute towards extricating us out of our present difficulties."

Debate in the Commons on the Motion for an Address.] The Commons being returned to their House,

Mr. *Pulteney* moved, "That an humble Address be presented to his majesty, to return him the thanks of this House for his most gracious Speech from the throne; to express the satisfaction of his faithful Commons at the near prospect there is of peace being established throughout Europe, by the success of his majesty's endeavours, to acknowledge his majesty's great goodness in his tender concern for the misfortunes of his people, occasioned by the unhappy turn of affairs, that hath so much affected the Public Credit of this kingdom; to assure his majesty, that this House will, at this critical conjuncture, wherein his majesty's government and the interest of his people are so highly concerned, proceed with all possible care, prudence, and temper, to inquire into the causes of these misfortunes,"*

* "Dec. 10. Upon Wednesday night, about a hundred members met at the Secretary's office, when (according to custom) the king's Speech was read, and a Resolution was proposed for an Address of Thanks. One of the company said, he thought the directors of the South Sea Company ought by name to be represented, as the persons to whom the loss of credit ought to be imputed, but condemning persons unheard (however obnoxious) was not reasonable; but that the end might be attained by general words, to wit, 'to enquire into the 'causes of these misfortunes.' This was very vigorously opposed by some few, and a great man said it would, instead of retrieving, occasion (probably) an utter loss of it, for that the directors would run away; but this did not obtain. For my own part, I thought the words fully agreed to, when on a sudden it was whispered about, that they were omitted, which gave occasion to a friend of yours, to call to Mr. Secretary, who was reading a subsequent paragraph, to know whether the amendment proposed were inserted, to which he answered no; 'for you know,' says he, 'I am to ob-'serve directions, and members calling out, 'read on, read on, I proceeded so to do, with-'out inserting them.' The other replied, 'I 'thought the words agreed to, and consequent-'ly inserted, for surely half a dozen near you 'are not to think of determining for so great a 'number: we meet here as I apprehend to en-'deavour so to understand each other, as to be 'of one mind in another place; I think it 'therefore incumbent on me to speak plainly. 'This resolution is to be proposed to the House, 'when the words you have thought fit to omit,

and apply the proper remedies for restoring and fixing Public Credit upon such solid and lasting foundations, as may effectually give ease and quiet to the minds of his majesty's subjects; and that this House will, with readiness and chearfulness, grant the Supplies necessary for the service of the ensuing year, and consider in what manner the Trade and Commerce of the nation may be best secured and extended."

Mr. Henry Pelham seconded this motion, but

Mr. *Shippen* offered a clause to be added after the words, 'for restoring and fixing Public Credit,' viz. 'as far as it is consistent with 'the honour of parliament, the interest of the 'nation, and the principles of justice.' Mr. Shippen's reasons for this addition, were, That in order effectually to remedy the present misfortunes, (meaning the fatal South Sea Scheme) it was absolutely necessary to maintain the honour and faith of parliamentary engagements, and to shew the highest resentment against those who abusing the trust reposed in them, had given so fatal a wound to public credit, and enriched themselves by the plunder of the nation. that, in his opinion, the managers of the South Sea Project were not the most criminal, since there were those above them, whose duty it was to overlook and direct their proceedings, and had those at the helm interposed in the affair of the South Sea, as they did in the case of other projects, they would have prevented that dismal calamity which has since befallen the nation.

Mr. Shippen was seconded by Mr. Bromley.

Sir *William Wyndham* said, That it would be a disgrace to a British House of Commons, to shew, on this occasion, less vigour and spirit than the parliament of Paris, then sitting at Poutoise: that that parliament was justly looked upon as the shadow of an English parliament; and yet that very parliament had, by their firmness and resolution, carried their point so far, as to get that person removed from the administration, whom they looked upon as the author of the present misfortunes of France

The Lord *Molesworth*,[a] who spoke on the

'may be offered, and I do promise you upon 'my word they will be so, when they will be 'fully debated, and if occasion be, the ques'tion determined by a division.' Mr. Secretary then said, propose your words, which being done, they were without more ado inserted

"The motion being yesterday made, gentlemen let themselves into the most bitter invectives against the mis-execution of the act of parliament, and indeed in great measure against the act, as vesting too large powers in a set of men who are now called miscreants, the scum of the people, and worse names if possible. Thus are we ashamed of what many of us contended for last year with the greatest eagerness, and that upon motives not fit to be mentioned. The more moderate saw (for that was what but very few had a right to call themselves) laid the stress upon mis-execution; but even upon this head, they want great lengths, particularly sir Joseph Jekyll, who said, that he could not but think, at least hope, that all the Directors were not equally culpable, but sure he was, that some were highly criminal who were not directors Another said, the ministry with only a frown had been able to put a stop to all the little Bubbles, in order to deepen the water for the great one, whence profit was to arise. A third concluded thus. 'This parliament began with a Secret Committee falling upon a precedent ministry; and why may it not conclude with doing so to another? What your friend said Wednesday night, proves to have been well judged, for upon reporting the address yesterday, sir J. J. moved an amendment, by inserting what you see therein, of punishing the authors, which went without opposition. Others took exception to it as too tender; this not being a party cause, arrows in full volies are let fly from every quarter.

"Thursday is appointed for considering the State of Credit, when Mr Walpole has promised us his thoughts, and though his friends do not love to hear of a scheme to be called his, he is certainly digesting one, which we are then to have, the greater part of which, all the town know already." Coxe's Walpole, Correspondance Mr. Thomas Brodrick to lord Chancellor Middleton.

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[a] "Robert, viscount Molesworth, descended from an ancient family in Northamptonshire, was born December 1656, in Dublin, where his father, who died before his birth, had settled as a merchant He was educated at Dublin, and displayed so much zeal and patriotism at the Revolution, that James's Parliament sequestered his property. The victorious William, however, rewarded his fidelity, made him one of his privy counsellors, and sent him as his ambassador to Denmark. After a residence of three years Molesworth offended the Danish Court, by not sufficiently respecting the customs and the privileges of the country, and left the place abruptly, and on his return to England published "An Account of Denmark." The book, though well received and translated into several languages, offended prince George of Denmark, by representing the Danish government as tyrannical, and a memorial of complaint was presented to king William, and an answer prepared to it by Dr King But Molesworth disregarded these measures, safe in the public approbation and the friendship of Shaftesbury He was member of the House of Commons in several parliaments, but rendered himself obnoxious to the clergy, by an affectation of popularity, and by profane insinuations that religion is a pious craft, an useful state engine, but far inferior to the principles which, in the school of Athens and Rome, incited their attentive youth to the love of their country, and to the practice of the moral virtues. As he strongly supported the Hanoverian succes-

same side, run over the king's Speech from the throne, and said, He was glad they were told, that the peace in the South only wanted the form of a Congress, which gave him hopes, that the difficulties started by Spain, in relation to Gibraltar, were, at last, surmounted, and that we were like to possess that important conquest of the preceding war, together with Port Mahon, which would make us some amends for the great expence of blood and treasure we had lately been at, to conquer Sicily for the House of Austria. And speaking of the South Sea calamity, he said, That before they considered of the proper remedies, they ought to enquire into the cause and nature of the distemper: that it is with the body politic, as with the body natural; and therefore they ought to imitate skilful surgeons, who, in order to cure a wound, begin with probing it, and, when they find it necessary, make incisions and scarifications to get the venomous corn out of it, before they apply healing plasters; and that they who follow a contrary method are but mere empirics, who, by using palliatives, make the sore rankle and fester, and endanger the life of the patient. He owned it had been by some suggested, that there was no law to punish the Directors of the South Sea Company, who were justly looked upon as the immediate authors of the present misfortunes: but that, in his opinion, they ought, on this occasion, to follow the example of the ancient Romans, who having no law against parricide, because their legislators supposed no son could be so unnaturally wicked, as to embrue his hands in his father's blood, made one to punish so heinous a crime, as soon as it happened to be committed; and adjudged the guilty wretch to be thrown alive, sewed up in a sack, into the Tyber. Concluding, That as he looked upon the contrivers and executers of the villainous South Sea Scheme, as the parricides of their country, he should be satisfied to see them undergo the same punishment.

Sir *Joseph Jekyll* said, That as he doubted not but among the South Sea Directors some might be innocent, and others criminal; so he was of opinion, there were those, who were not Directors, no less, if not more criminal, than the Directors themselves; and who therefore deserved an equal, if not a severer punishment. Adding, That upon extraordinary emergencies, where the laws are deficient, the legislative authority may and ought to exert itself, and he hoped a British parliament would never want a vindictive power to punish national crimes.

Mr. Gray Neville, Mr Pitt, and some other members, spoke also for the clause offered by Mr Shippen; but, on the other hand, it was represented by Mr Craggs, Mr. Philip Yorke, and Mr. Robert Walpole, That such a restriction did but ill suit with an Address of Thanks, which, in their opinion, ought to run in the usual form, and answer in general terms, the several heads of the Speech from the throne: that as to the main drift of that clause, they thought it inconsistent with the rules of prudence, to begin this session with irritating inquiries: that if the city of London were on fire, they did not doubt but all wise men would be for extinguishing the flames, and preventing the spreading of the conflagration, before they inquired into the incendiaries. that in like manner, Public Credit having received a most dangerous wound, and being still in a bleeding condition, they ought to apply a speedy remedy to it; and that afterwards they might inquire into the cause of the present calamity. Mr. Walpole declared, That he had never approved the South Sea Scheme, and was sensible it had done a great deal of mischief: but since it could not be undone, he thought it the duty of all good men to give their helping hand towards retrieving it: and that with this view, he had already bestowed some thoughts on a Proposal to restore Public Credit, which, at a proper time, he would submit to the wisdom of that House.

Hereupon, the question being put for inserting the clause before-mentioned, it passed in the negative, by 261 against 103.

Dec. 9. Upon the Report of the Address of Thanks, a motion being made by Mr. Milner, member for Minehead, for inserting the words, 'And for punishing the Authors of our present 'Misfortunes,' and seconded by sir Joseph Jekyll, the same was carried without dividing

The Commons' Address of Thanks.] Dec 10. The Commons, with their Speaker, waited on his Majesty with the abovementioned Address, which is as follows:

"Most Gracious Sovereign,

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your majesty our most dutiful and hearty Thanks for your most gracious Speech from the throne

"We can never sufficiently express our gratitude to your majesty, for your constant care of the true interest of your subjects, nor the satisfaction of your faithful Commons, in seeing that the just influence of your majesty's councils abroad, has procured so near a prospect of a general peace throughout Europe: which is a fresh instance to them, that your majesty places your greatness only in the prosperity and happiness of your people

"If any thing could more effectually endear your majesty to us than the mildness of your government, it would be that tender and affectionate concern you express for the present misfortunes of your people, occasioned by the

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sion, notwithstanding the eccentricity of his principles, he could not but be acceptable, for his abilities and influence, to George the First, by whom he was made a privy counsellor, and created a peer of Ireland in 1716. He died 22d May 1725, at his seat near Dublin." Lempriere.

unhappy turn of affairs, that hath so much affected the public credit of this kingdom

"But your faithful Commons are met together with minds fully disposed to take the most just and effectual methods, and to do every thing that becomes an affectionate parliament, at this critical conjuncture, wherein your majesty's government, and the interest of your people, are so highly concerned, to restore and fix the credit of this nation upon such solid and lasting foundation, as may effectually give ease and quiet to the minds of your majesty's subjects; and we flatter ourselves, that our undertaking will be the more easy, since we are determined to proceed with all possible prudence, temper, and resolution, to inquire into the causes of our present misfortunes; and with the maturest deliberation, apply ourselves to find out the most proper measures for redressing them, and for punishing the authors of them

"The improvement of our Trade is of so public a concern, and so necessary for the support and power of this kingdom, that we will employ our utmost endeavours to consider in what manner the commerce of the nation may be best secured and extended.

"And we beg leave to assure your majesty, that we will, with all chearfulness and unanimity, grant the Supplies which shall be necessary for the service of the ensuing year, and the support of your government, upon which the happiness of the nation, the liberty of your subjects and the security of our religion so entirely depend."

The King's Answer.] To which the King returned the following Answer:

"Gentlemen;

"I return you my hearty Thanks for this Address; and as I depend on your applying a speedy remedy to the present distress, I am persuaded you will take the most prudent measures to make it effectual."

Debate on ordering the South Sea Company to lay an Account of their Proceedings before the Commons.] Dec. 12. The Commons in a grand committee, considered of the motion to grant a Supply to his majesty, which was unanimously agreed to. After this, Mr. Grey Neville moved, "That the Directors of the South Sea Company should forthwith lay before the House an Account of their Proceedings" He was seconded by Mr. Pitt, and backed by lord Molesworth. The courtiers being surpriseil at this unexpected motion,

Mr. *Craggs* thereupon endeavoured to shew, That it was preposterous; and that the House having already appointed a day to resolve into a grand committee, to consider of the present State of the Public Credit of this kingdom, the same would naturally bring on the inquiry into the conduct of the South-Sea Directors. Mr. Craggs was seconded by lord Hinchinbroke and by

Mr. *Horatio Walpole*, who owned indeed, That the South-Sea Scheme was weak in its projection, villainous in its execution, and calamitous in its end, but that, in his opinion, they ought to begin with applying a remedy to the evil.

Mr *Robert Walpole* added, That as he had already declared, he had spent some time upon a Proposal for that purpose; but was apprehensive, that if they went on in a warm, passionate way, the said scheme might be rendered altogether impracticable; therefore he desired that the House would proceed regularly and calmly, lest by running precipitately into odious inquiries, they should exasperate the distemper to such a degree, as to render all remedies ineffectual.

Sir *Joseph Jekyll* on the other hand, set forth the necessity of examining, without the least delay, into the conduct of the South-Sea Company; to see whether they had made good their engagements, and strictly followed the rules prescribed to them by the act passed last session of parliament in their favour; urging, That this was the most natural way of proceeding in an affair of so great importance: that on the contrary, it seemed absurd to attempt the cure of a distemper before they were acquainted with it: but that as soon as it was thoroughly discovered, he hoped that wise assembly should not want Schemes to apply proper remedies to it.

Mr. Gilford Lawson having supported Mr. Neville's motion, the courtiers thought fit no longer to oppose it; so that the same was agreed to without a division*, and it was accordingly ordered,

* "Dec 13. The motion of Saturday (which I mentioned in my last,) was yesterday put into better form, as you will see by the votes: the first question moved, was in very strong terms opposed by three or four; for as I remember, that was the number. On the other hand, numbers spoke with the freedom becoming a British House of Commons The first who spoke on the side of the question, was my quondam colleague (sir Richard Steele) he indeed set the matter in a clear light, by telling us, that a nation of more wealth and greater credit than any in Europe, within less than two years, was reduced to what we see, and too sensibly feel, by a few cyphering cits, a species of men of equal capacity in all respects (that of cheating a deluded people only excepted) with those animals who saved the capitol, who were now to be screened by those of greater figure, for what reason they best know, others were at liberty to judge Another (in answer to an argument against the question, that this vindictive justice so much contended for, would not attain the end proposed, for that you would not be able to come at the estates of the delinquents) said he thought all the laws against bankrupts being enacted into one against the Directors (for so he would always call them, as what carried more of obloquy than any other word could express) would, in his opinion, attain the end pro-

1. "That the Directors of the South Sea Company do forthwith lay before this House an Account of all their Proceedings whatsoever, relating to an Act, passed the last session of parliament, intituled 'An Act for 'enabling the South Sea Company to increase 'their present capital Stock, and Fund, by re- 'deeming such public Debts and Incumbrances 'as are therein mentioned; and for raising 'money to be applied for lessening several of 'the public Debts and Incumbrances; and 'for calling in the present Exchequer Bills re- 'maining uncancelled; and for making forth 'new bills, in lieu thereof, to be circulated and 'exchanged, upon demand, at or near the Ex- 'chequer'

2 "That the Managers and Directors appointed by the Lords Commissioners of the Treasury, by virtue of the said Act, do forthwith lay before this House all such Matters and Things as they have done and performed, or ordered to be done and performed, in relation to the said Act.

3. "That the said Managers and Directors do forthwith lay before this House an Account of all Orders they have received, from time to time, from the Lords Commissioners of the Treasury.

4. "That the Directors of the South Sea Company do forthwith lay before this House an Account of what money, and Exchequer Bills, have been received by, or for the use of, the said Company, since the 25th day of December 1719; and the respective uses and purposes to which the same have been applied.

5 "That the said Directors do forthwith lay before this House an abstract of what public Debts and Incumbrances have been subscribed to, or discharged by, the said Company, pursuant to any act or acts of parliament in that behalf, since the 25th of December 1719; and in what manner such subscriptions were made.

6. "That the said Directors do forthwith lay before this House an account of what sum or sums of money have been taken up, or borrowed, on account of the said Company, or which they stand engaged for, upon bills, bonds, or other contracts, under their common seal, or otherwise, since the 25th of December 1719."

Dec 14. Mr. Pitt complained of the dilatoriness of the South Sea Directors in complying with the Orders made on the 12th inst by the House, and was seconded by sir Joseph Jekyll; but sir Theodore Janssen, member for Yarmouth, and one of the South Sea Directors, having assured them, that the next day part of the Papers called for would be laid before them, the House acquiesced.

The said Accounts presented to the House.] Dec 15 The Sub Governor and Deputy-Governor of the South Sea Company presented to the House several Papers, with a Schedule of them, which was read. Hereupon it was ordered, "That the said Papers be referred to the Committee of the whole House, who were to take into consideration the present State of the Public Credit of this kingdom." Then the House resolved itself into the said Committee, and after the reading of those Papers, which lasted until about four in the afternoon, Mr. Sloper, Mr Plumtree, Mr. Milner, sir Richard Steele, and Mr Lawson, made several exceptions to the conduct of the South Sea Directors; and, in particular, to their landing out vast sums of money belonging to the Company, without being duly authorised for that purpose: but as the Committee could not regularly proceed in that matter without exact Accounts of these Loans, the further consideration of the present State of the Public Credit was adjourned to the 19th; and, in the mean time it was ordered, that the Directors of the South Sea Company should lay before the House several Papers relating to that affair.

Resolutions on the Supply.] Dec. 19. Mr. Forrer reported to the House the Resolutions of the grand Committee on the Supply, viz. "1. That 10,000 men be allowed for the service of the year 1721, beginning from the 1st day of January 1721. 2. That 4*l* per man per month be allowed for maintaining the said 10,000 men for 12 months, including the ordnance for sea-service. 3. That 219,049*l* 14*s* be granted for the ordinary of the navy for the year 1721, including half-pay to sea-officers. 4. That 50,200*l* be granted for extra-repairs of the navy for the year 1721. 5. That the number of effective men to be provided for guards and garrisons in Great Britain, and for Jersey and Guernsey, for the year 1721 (including 1,859 invalids) be 14,294 men, commission and non-commission officers included. 6. That 567,070*l* 3*s* 4*d* be granted for the charge of the said 14,294 effective men 7. That 150,743*l* 13*s* 4*d* ½ be granted for the land forces and garrisons in the Plantations, Minorca and Gibraltar, and for provisions for the garrisons of Annapolis-Royal, Placentia, and Gibraltar, for the year 1721. 8. That 94,500*l* be granted upon account to reduced officers of the land forces and marines."

Debate on the Number of Land Forces.] The first four of these Resolutions being severally read, the second time, were agreed to by the House; but the fifth being also read a second time;

Mr. *Shippen* represented, That a general Peace being so near a conclusion, part of the

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posed. Abundance spoke with equal bitterness, and such was the general outcry, that the previous question, which had been demanded, was not thought fit to be insisted upon, and they were too wise to discover their weakness by a division upon the main question. How far Ways and Means will go towards thawarding the blow, I know not; that they will be used, I am satisfied, but I think there is a possibility of a disappointment." Coxe's Walpole. Correspondence: Mr. Thomas Brodrick to lord Middleton.

Land-Forces, now on foot, might well be spared, and the saving sum applied towards repairing the public calamity, and therefore he moved, That the said 5th Resolution be re-committed.

He was backed by Mr. Bromley, sir William Wyndham and Mr. Hungerford; but was opposed by Mr. Robert Walpole, and his brother Mr Smith and some other gentlemen, who endeavoured to shew, That the number of our forces was so moderate, that it could hardly be lessened, even although a general peace were concluded, without exposing the nation either to foreign insults, or to domestic factions; and therefore it were highly imprudent to make any reduction in the army before the conclusion of the peace: that on the other hand, the sum that might be saved by disbanding 5 or 4000 men was very inconsiderable, and ought not to come in competition with the advantage of being in a posture of defence. Since nothing contributes more to the public credit of a free nation, than the being in a condition not to fear any thing, either at home or abroad.

The question being put upon Mr. Shippen's motion, it passed in the negative, without dividing.

Debate in the Commons on the State of the Public Credit.] The Commons being in a grand Committee to take into farther consideration the present State of the Public Credit of the kingdom,

Sir *Joseph Jekyll* moved, That a select committee be appointed to inquire into all the Proceedings relating to the Execution of the South-Sea-Act, and was seconded by Mr. Gilfid Lawson. But

Mr *Robert Walpole*, having represented, That the proceeding in that manner would take up a great deal of time, and that the public credit being in a bleeding condition, they ought to apply a speedy remedy to it; that motion was not insisted on. After this

Mr. *Sloper* shewed, That the present calamity was mainly owing to the vile arts of Stock-Jobbers, whereby the public funds were wound up far above their real value.

Which being readily assented to, the Committee came to this Resolution, viz "That nothing can tend more to the establishment of Public Credit, than preventing the infamous practice of Stock-Jobbing" Then,

Mr. *Robert Walpole* acquainted the Committee, That as he had hinted some days before, he had spent some time upon a Scheme for restoring Public Credit; but that the execution of it depending upon a position, which had been laid down as a fundamental, he thought it proper, before he opened the said scheme, to be informed, whether he might rely on that main foundation, viz' Whether the subscriptions of public debts and incumbrances, money subscriptions, and other contracts made with the South-Sea Company, should remain in the present state?

This question being stated, occasioned a warm debate, which lasted till near eight in the evening, when it was at last resolved by 259 voices against 117, 'That all the subscriptions of public Debts and incumbrances, and other contracts made with the South-Sea Company, by virtue of an act made last session, remain in the present state, unless altered for the ease and relief of the proprietors by a General Court of the South-Sea Company, or set aside by due course of law.

Dec. 20. Mr. Farrer reported the Resolution of the grand Committee on Public Credit; which with some amendments, was agreed to by the House, viz "That it will very much contribute towards the establishing public credit, to prevent the infamous practice of Stock-Jobbing," and a Bill was ordered to be brought in thereupon

Then a motion being made, That the House do agree with the Committee in the second Resolution, there arose a very warm debate, that lasted from three o'clock till half an hour past six in the evening.

Mr. *Robert Walpole*, who, with his usual eloquence, spoke for the motion, set forth the views with which the South-Sea act was made; to wit, to consult the landed and trading interest of the nation, by lessening its incumbrances and public debts, and putting them in a method of being paid off in a few years; which could not have been done, unless a way had been found to make the Annuities for long terms redeemable; which had been happily effected by the South-Sea Scheme, without a breach of parliamentary faith; and if they should now unravel what had been done, they should not only ruin the South-Sea Company, but instead of alleviating, aggravate the present misfortunes. In answer to this,

Sir *Joseph Jekyll* urged, That in order to remedy the present distemper, and restore public credit, they ought, in the first place, to resolve and assert public faith, equity, and justice, which the South-Sea managers had notoriously violated, with respect to the first and second subscribers of annuities and other public debts: For the former had not the stock, to which they were intitled, delivered to them, till six months after they had subscribed their effects, and when the stock was fallen above half in its price, and the latter had not the option either to accept or reject the terms that were offered them

Mr. *Walpole* having, among other things, replied, That if any injustice was done to the subscribers, they were, by the Resolution in question, left at liberty to seek their relief by law:

Mr. *Lechmere*, chancellor of the duchy, answered him, and insisted, That if the South-Sea company, whom the parliament had appointed trustees for the public debts, had not duly executed that trust, in relation to the annuitants, the latter could seek for relief no where but in parliament, and that it was a duty incumbent on the legislature to relieve them.

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Serjeant Pengelly, Mr. Hutcheson, and some other gentlemen, spoke on the same side; but were answered by Mr. Secretary Craggs, sir William Thompson, and Mr. Hungerford. And after some other speeches, the country party moved for adjourning the debate; but the question put thereupon, being carried in the negative, by 232 voices against 88, the House agreed, without dividing, to the second Resolution of the day before, above-mentioned

Mr. R. Walpole presents his Scheme to the House, for restoring Public Credit.] Dec 21 Mr. Lowndes presented to the Commons several Accounts and Estimates, after which, the House resolved itself into a grand Committee on the Supply, and came to several Resolutions thereupon. Then the members in Westminster-hall, court of requests, and places adjacent, having been summoned to attend, the House resolved itself into a grand Committee, and Mr. Robert Walpole laid before them a new Scheme to restore Public Credit, * which was, in substance, to ingraft nine millions of South Sea stock into the Bank of England, and the like sum into the East-India Company: upon the conditions therein mentioned, and which shall be specified hereafter. Mr. Hutcheson, and other members, made some exceptions to that Scheme, but none offering a better remedy for the present misfortunes, Mr. Farrer, the chairman, was directed to move the House, and it was accordingly ordered, "That the said Committee have power to receive Proposals from the Bank of England, the South-Sea Company, and the East-India Company, towards restoring Public Credit."

The Lords appoint a Day to consider the State of the Nation.] On the 13th of December, the duke of Wharton took notice of the present calamitous State of the Nation, occasioned by the South-Sea Project, and gave several instances of the unfair management of the Directors; and moved that a day might be appointed to consider of the present State of the Nation. Dec. 20th was accordingly appointed.

Dec. 20. The Lord *North and Grey* stood up, and animadverted on some licentious and prophane writings, that struck at the very foundation of the Christian Religion. His lordship then took notice of the South-Sea Project, which, as he had foretold eight months before, [p 646] had been attended with such dismal consequences. He was seconded by the earl of Aylesford.

The Duke of *Wharton* spoke on the same subject, and among other fraudulent practices of the South-Sea managers, instanced in some collusory bargains about stock, between the Sword-Blade Company and Mr. Knight, treasurer of the South-Sea Company, concluding, He hoped that noble assembly would exert their power in punishing the villainous projectors and executers of the South-Sea Scheme. Then the consideration of the State of the Public Credit, was referred to a Committee of the whole House.

Dec. 21. The House ordered the several Accounts relating to the South-Sea Company to be laid before the House; and adjourned to the 9th day of January.

Debate in the Commons on the Mutiny Bill.] January 4, 1721 Mr. Treby moved for bringing in a Bill, 'To prevent Mutiny and Desertion,' &c. and was seconded by the lord Carpenter. Hereupon,

Sir *Joseph Jekyll* said, He could not but be surprized to see a bill moved for so early, which seldom or never used to be brought in until towards the end of a session: that such a hurry seemed to be intended to stop the prosecution of the authors of the present misfortunes: that they all very well knew that their days were numbered, and that as soon as they had dispatched the money bills and the bill now moved for, they should immediately be dispatched home: that therefore he was for staying those bills, until they had done justice to the nation, who called aloud for it.

Mr. *Craggs* said thereupon, He wondered to see any opposition made to a bill so necessary

* "Having thus gradually smoothed his way, and obtained the avowal of the Commons, that the subscriptions of the proprietors of the debt should be considered as valid, Walpolé brought forward his scheme; it was, in substance, to engraft nine millions of stock into the Bank of England, and the same sum into the East India company, on certain conditions; the remaining twenty millions were to be left to the South Sea Company. In his speech, recommending this plan, Walpole studiously avoided the introduction of any speculative topics, or any assertions which were not proved by papers before the House. He promised, and frequently repeated, that he founded his calculations on the veracity of those statements, and by his prudence in that respect, silenced many cavils which must necessarily have arisen from assertions less closely connected with obvious and attainable proof. After a few objections, made by Hutcheson, and some other members, it was ordered, that proposals should be received from the Bank of England, and the East India Company, for restoring public credit. It met however with a warm, but fruitless opposition from the three companies, because neither derived from it any peculiar advantage; their proposals were presented to the House, and a bill framed accordingly. In its passage through the Commons, it was in some respects altered and amended; but the principal features were preserved. The chief management of the business was committed to Walpole, and though it was violently opposed in its progress, yet his prudence and discretion either gave way to the general clamour, or submitted to various amendments, or his weight and eloquence, aided by the influence of government, obtained a majority in its favour: it passed the House of Lords, and received the royal assent." Coxe's Walpole.

for the safety of the government, especially by a person who had received signal favours from the crown Upon this

Lord *Molesworth* stood up, and said, Mr Speaker, Is it come to this, that every man who has a place must do all the drudgery that is enjoined him? This may be true of some underlings; but I don't believe it, I am sure it is false, of king George. he commands his servants nothing, but what is according to the laws, and for the good of his subjects. Then

Sir *Joseph Jekyll* added, That he was as zealous as any man for the service of the king and his government: but he was of opinion, that the doing justice to the nation, and punishing those who had brought it into the present calamitous condition, was the most effectual way both to serve the king, and at the same time to discharge their duty to their injured country: concluding, however, that he did not oppose the bringing in of the Bill in question, which was thereupon ordered to be brought in.

Debate on the Bill for restraining the South Sea Directors from going out of the Kingdom] After this, according to the order of the day, the Commons were to go into a grand Committee to take into farther Consideration the present State of the Public Credit of this kingdom. But

Sir *Joseph Jekyll* resuming his Speech, represented, That before they proceeded any farther, they ought to secure the Persons and Estates of those they had reason to look upon as the Authors of the public misfortunes, and therefore he moved, "That leave be given to bring in a Bill to restrain the sub-governor, deputy-governor, directors, treasurer, under-treasurer, cashier, secretary, and accountant of the South-Sea Company, from going out of this kingdom for the space of one year, and until the end of the next session of parliament; and for discovering their estates and effects, and for preventing the transporting or alienating the same." He was seconded by

Mr. *Horatio Walpole*, who gave some instances both of the unfair methods by which the South-Sea Directors, and their officers, had got immense riches, and of their pride and insolence.

Serjeant Pengelly, sir Robert Raymond, sir Philip Yorke, Mr. Spencer Cowper, and Mr. Jefferies, having likewise supported sir Joseph Jekyll's motion, it was carried nem. con. and ordered, That the said Bill be brought in accordingly. Upon this

Mr. *Shippen* expressed his great satisfaction, to see a British House of Commons resume their pristine vigour and spirit, and act with so great unanimity for the public good. He owned the necessity of securing the persons and estates of the South-Sea Directors, and their officers: but said, That, in his opinion, there were some men in great stations, whom, in time, he would not be afraid to name, who were no less guilty than the Directors.

Mr. *Craggs* being somewhat nettled at this, said, That he was ready to give satisfaction to any man that should question him, either in that House or out of it This expression gave no small offence, and thereupon the

Lord Molesworth replied, That he had the honour to be a member of that House almost of thirty years, and never before now knew any man bold enough to challenge the whole House of Commons, and all England besides That for his part, though past sixty, he would answer whatever Mr Craggs had to say within the House, and hoped there were young members enough, that would not be afraid to look him in the face out of the House. Upon this

Mr. *Craggs* seeing the House in a great ferment, got up again, and said, That by giving satisfaction, he meant clearing his conduct

A COMMITTEE OF SECRECY *appointed to enquire into the Proceedings of the South-Sea Directors*] As soon as this was over, the House debated in what manner they should proceed in the intended Inquiry, whether in a Grand or a Select Committee. After long disputes on both sides, it was resolved, nem. con. "That a Committee of thirteen, to be chosen by balloting, be appointed to inquire into all the Proceedings relating to the Execution of the South-Sea Act." This done, the lord Hinchingbroke represented That it was to be feared, that before the Bill ordered to be brought in against the sub-governor, deputy-governor, and directors of the South-Sea Company, was gone through both Houses, the most criminal amongst them might withdraw themselves out of the kingdom, and therefore his lordship moved, that they might be immediately ordered into custody: But Mr Lechmere, having shewed the inconveniences that might ensue thereupon, that motion was dropt.—Accordingly, on the 11th, serjeant Mead reported the Names of the Committee appointed to inquire into all the Proceedings relating to the Execution of the South-Sea Act, viz. Mr. Thomas Broderick, Mr Hutcheson, sir Joseph Jekyll, Mr Wortley, sir Thomas Pengelly, Mr. William Clayton, Mr. Jefferies, lord Molesworth, col. Strangeways, Mr Sloper, Mr Lechmere, general Ross, and hon. Mr. Dixie Windsor. These persons, or any five of them, were to report their proceedings from time to time to the House, and to have power to send for persons, papers, and records, and the several Books and Papers which had been laid before the House by the South Sea Company, were referred to the said Committee.

The Commons take into Consideration the Proposals from the South-Sea Company, for ingrafting nine Millions of their Stock into the East-India Company, and nine more into the Bank] Jan. 5. In a grand Committee, the Commons took into consideration the Proposals laid before the said Committee by the South-Sea Company, for ingrafting nine millions of their stock into the East-India Company, and the like sum into the Bank of Eng-

land, as also the Proposals of the East-India Company and the Bank, for taking in the said Stock, and after some debate, it was resolved, by 173 voices against 130, that an Ingraftment of part of the capital of the South-Sea Company into the capitals of the Bank of England and the East-India Company, pursuant to the several Proposals of the said Companies, will contribute very much to the restoring and establishing public credit. Mr. Speaker having resumed the Chair, the Court Party moved, that Mr Forrer, the chairman of the grand Committee, should the next day report the said Resolution; but this motion was strenuously opposed, and the question being put thereupon, it passed to the negative by a majority of 153 votes against 140; after which it was ordered, that the said Report be received on the 10th.

Jan. 10. The Sub-Governor of the South-Sea Company presented to the House several States and Accounts that had been called for, and then sir Joseph Jekyll presented to the House a Bill, 'To restrain the Sub-Governor, Deputy-Go-'vernor, Directors, Treasurers, &c. of the 'South-Sea Company, from going out of this 'kingdom,' &c. which was read the first, and ordered to be read a second time the next morning. After this, Mr. Farrar reported from the Committee of the whole House, the Resolution above-mentioned, about the Ingraftment of nine Millions of South-Sea Stock, upon the respective Stocks of the Bank and East-India Company, and a motion being made that the said Resolution be re-committed, it occasioned a warm debate, that lasted five hours. Mr. Sloper, Mr. Clayton, sir Joseph Jekyll, and some others, represented, That the project before them was more like to prove a dangerous palliative, than an effectual remedy to the present distemper; and being founded on injustice, would rather farther hurt than restore public credit. Mr. Hutcheson urged, That this scheme seemed to be calculated with the same view as the former, the ill effects of which they intended to remedy, and raised several other objections to the new Scheme, and insinuated, that if the Resolution in question were recommitted, he might propose something better for the restoring of public credit. Mr. Robert Walpole answered all objections, and being strongly supported by Mr Craggs, sir Robert Raymond, sir Philip Yorke, and by several other members; the question was put upon the motion for re-committing the Resolution about the Ingraftment, which was carried in the negative, by 267 voices against 134. Then the House agreed to the said Resolution, and a Bill was ordered to be brought in thereupon [a]

The Bill against the South Sea Directors passes the Commons.] Jan. 16. The Bill against the Sub-Governor, Deputy-Governor, and Directors of the South Sea Company, was ordered to be engrossed; after which it was ordered, that the committee, appointed to inquire into all the proceedings relating thereto, be a Committee of Secrecy.

Jan. 19. The engrossed Bill against the South Sea Directors was read the third time, passed, nem. con and sent up to the Lords*.

[a] "During the period to which this scheme was carrying through both Houses of Parliament, the loudest and most violent clamours were excited as well against the directors, as against the ministers, who had promoted the South-Sea act, which was considered as the sole cause of the national distress. The general infatuation in favour of the South-Sea Company was forgotten; and the frenzy of stock-jobbing was not taken into consideration All the managers were indiscriminately involved in the same guilt; the very name of a director was synonymous with every species of fraud and villainy. Petitions from counties, cities, and boroughs, in all parts of the kingdom, were presented to the House, crying for justice due to an injured nation against the villainy of these peculators, and the sufferers looked up for indemnification from the confiscation of their property, or for vengeance in the punishment of their guilt. All those, who like Walpole opposed extreme severity and indiscriminate punishment, were exposed to repeated insults and virulent invectives; they were devoted, both in anonymous letters and public writings, to the speedy vengeance of a much injured people." Coxe's Walpole.

* "Jan. 19. You see by the votes the Bill against the Directors reported and ordered to bee engrossed, I believe 'twas this day read a third time, and carryed to the Lords. Itt prohibits their going out of the kingdom for a year, and to the end of the next session of parliament, requiring their entring into recognizance of 100,000*l.* with two sureties in 25,000*l* each, for performance of the above condition; itt requires the delivery of an inventory of their estates reall and personall uppon oath; and enacts, That if they shall falsifie therein (being convict) shall suffer as fellons, without benefitt of clergy; there is a clause for encouragement of discoverers, and others, such as may make the bill more effectuall They had the assurance to petition to bee heard by councill against the Bill, which was rejected with the utmost indignation, although supported by some of our great men (which by the way was very ill relisht) out only in favour of the directors, butt on account of justice, for that noe criminal (how great soever) ought to be condemned, unheard. To which 'twas answered, that this Bill did nott condemne, the chiefe end being onely to secure their standing a tryall, and preventing alienation of their estates till such times as their tryall was over. 'Twas then sayd, even thus much would bee inflicting a great punishment, unheard; to which 'twas reply'd, that surely gentlemen had nott read over the Papers and Accounts delivered at the bar by themselves, for that by these the most nottorious breach of trust (against the tennor and purport of the South Sea act, as well as against their own by-lawes) were confessed,

Debate in the Lords on the State of the Public Credit.] January 9. The Lords being met, pursuant to adjournment, the Sub-Governor and Deputy-Governor of the South Sea Company laid before them several of the Papers called for; and the next day their lordships went into a grand Committee to consider of the State of the Nation, with relation to Public Credit.

The Lord *Stanhope* said, "That the Estates of the criminals, whether Directors or not Directors, ought to be confiscated to make good the public losses."

Lord *Carteret* spoke to the same effect.

The Earl of *Sunderland* owned, that he had been for the South Sea Scheme, because he thought it calculated for the advantage of the nation, in order to lessen the Public Debts, and in particular to take off the heavy incumbrance of Long Annuities; that no man could imagine that so good a design could have been so perverted in the execution, as to produce quite contrary effects; but that, in his opinion, no act of parliament had ever been so much abused as the South Sea Act, and therefore he would go as far as any body to punish the offenders.

The Duke of *Wharton* said, with becoming vehemence, "That they ought to have no respect of persons; that for his part he would give up the best friend he had; that the nation had been plundered in a most flagrant and notorious manner, and therefore they ought to find out the offenders, and then punish them with the utmost severity."

The Lord North and Grey and the earl of Abingdon urged also the ill effects of the South Sea Project, which the bishop of Rochester justly compared to a pestilence.

The Earl *Cowper* spoke likewise on the same side, and blamed those who, by the act of parliament, were appointed to overlook and check the South Sea Directors; and who, in discharge of that trust, ought to have prevented their jumping from a subscription at 400 to 1000, which was the main cause of the misfortunes that ensued.

The Earl of *Sunderland* finding himself, and the other lords of the Treasury, thus attacked, spoke in his own and their vindication; and said, "That by the South Sea Act they were directed to appoint such persons, as they should think fit, to be managers on the part of the Treasury, for the due execution of the said Act; that as they had reason to look upon those persons, who had the principal share in framing this Scheme, as the most able and proper to execute it, they had accordingly appointed some of the South-Sea directors to be managers and directors for the Treasury: concluding, that in this they had followed former precedents."

The Lords resolve, That the Commissioners of the Treasury appointing the Directors of the South-Sea Company to be managers for executing the South-Sea Act was legal.] Hereupon the question was proposed, "That the Constitution from the Commissioners of the Treasury, dated the 6th of May, 1720, appointing the Directors of the South-Sea Company to be managers and directors for performing such matters and things as, by the Act for enabling the said Company to increase their present capital Stock, are directed, has been conformable to precedents, and legal." This occasioned a great debate, but the lord Harcourt having declared his opinion for the affirmative, the question was carried by 63 voices against 28.

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that therefore the case was no more or other then committing or requiring bail from a criminal upon confession, according to the nature of the offence; that from the notoriety of the thing, as well as from the national prejudice sustained thereby, the legislature were now doing what in ordinary cases the magistrate might and ought to doe. The House were, from a coolenesse of temper, wrought up to a great heighth, and that (in my opinion) by the earnestness of some gentlemen, whos att last were forct quietly to give up the point. I have seen strange turnes, but I thinke this matter incapable of one: what a considerable man began his first speech with (for hee spoake with great vehemence a second time) is certainly true, that saying any thing which might bee interpreted as favouring a South Sea Director, would be very ill heard, and putt the speaker under great disadvantage. I will nott goe abroad (being a good deal feavourish) till I thinke I can doe itt without great hazard, though I own I shall be very uneasy till I can attend my duty.

"The Bill is ordered to the Lords. That House have had several brokers before them this day; a gentleman is jost gone from mee (the Lords being sitting late as it is) to lett me know that those sparkes have confessed so much, that their lordships thinke they will scamper, unless taken into custody, with a Declaration and Message sent to the House of Commons, acquainting them here with; and that when and as often as the Committee shall send for them, their officer shall attend with them, desiring to know my opinion, whither the House (whom they would avoyd in any wise disobliging) may looke uppon this as the least obstruction to the enquiry. My answer was, that I could anely speake as a private man, and as such, did freely own my thoughts, that this proceeding, thus circumstantiated, could nott bee thought in any sort an obstruction to our enquiry. That I knew the Committee had, in several instances, avoided doing things which possibly might administer cause to people without doors to hope for disputes between the Houses, nothing being more in their desire then avoiding such. That I verily believed, tha House were of the same mind. For which reasons (though I desired itt might bee remembered, I tooke oppon mee to speake onely as a private man) I was of opinion, noe exception would bee taken to this proceeding."—Coxe's Walpole. Correspondance. Mr. Thomas Brodrick to lord Middleton.

Protest against the said Resolution.] Jan. 10 The Report from the above Committee being read, it was resolved, That the House do agree with the Committee in the above Resolution.

"Dissentient."

"1. Because the Act of the last session of parliament for enabling the South-Sea Company to increase their capital stock (upon which not the legality of the Constitution in question must wholly depend) hath vested the Directors and managers, to be appointed by the Commissioners of the Treasury, with such trusts and powers, and required such things to be done by them, as, we conceive, could not be intrusted to the Directors of the South-Sea Company to execute, according to the true intent and meaning of the said Act.

"2 Because we conceive it to be inconsistent with the said Act, that the Directors and Managers appointed by the Commissioners of the Treasury (who by the Act are intrusted to ascertain what Annuities shall be taken in, and what debts paid off by the said Company, what additions, in respect thereof, shall be made to the capital stock of the said Company; how much is to be paid by the said Company into the Exchequer for the use of the public; what new allowance is to be made to the same corporation for charges of management; to enter into books the prices to be agreed on between the Company on the one part, and the proprietors of the Public Debts on the other part; to adjust the accounts of the Debts and Annuities taken in by the Company; and to certify and transmit duplicates of the accounts so adjusted, among others, to the Directors of the South-Sea Company) should be the Directors of the South-Sea Company, and they only.

"3. Because the said Directors of the Company appear to us plainly to be concerned in interest, so as to incline them to execute the said powers or trusts partially for the Company, unless restrained by a great degree of honesty; and if there should be any mistake by them committed, wilfully or otherwise, to the advantage of the Company and disadvantage of the said proprietors, in any matters intrusted to the said Directors and Managers, we do not find any provision in the said act to rectify the same, nor conceive how it can be done, unless by application to, and by consent of the said Directors and Managers, who are the Directors of the South Sea Company, and no other, which, we think, could never be the meaning of the act, but that the integt thereof must be, that the said trusts of Directors and Managers should have been executed by impartial and indifferent persons.

"4. We conceive, that the said act expressly requires the commissioners of the treasury, to appoint fit persons to be Directors and Managers for executing the powers and trusts above specified; and therefore, if the abovementioned reasons did not sufficiently prove the Constitution in question not to be agreeable to the said act, yet it seems very plain to us, that the Directors of the South Sea Company were, of all others, the most unfit for such a trust, and consequently not such persons as are expressly required by the said act.

"And we cannot agree, that the said Constitution is precedented.

"1. Because the precedents produced are all in time before the passing the act of parliament, on which the present question did arise; and therefore, in our opinion, can be of no weight in determining any question that dependeth on the construction of the said act, unless such precedents had been founded on some former act or acts of parliament, the same, in all material points, with the act abovementioned; which it appears to us, neither the said Charter, nor Commissions or Appointments produced as precedents were.

"2. All the cases relied on as precedents (except the last) are, as we conceive, widely differing from the case in question; that marked No. 1. is dated before the erection of the South Sea Company, and therefore did not, nor could confer any powers on the Directors of the Company, which was not then in being, but is directed to the members of other corporations, divers great officers, and very many other persons, in order to the erecting the South Sea Company; the five following from No. 2 to No. 6, inclnded, are indeed to impower the Directors of the South Sea Company, but it is only to take subscriptions of tallies, orders, debentures, and the like government securities, and to compute the interest due thereon, in order to the admitting the proprietors into the company at the rates stated in the acts of parliament, to which the charter and commissions relate; but none of them impower the Directors of the South Sea Company, to enter, adjust, or certify, or to do any matter relating to contracts to be made, whereto the company was to be made a party, as in the present case.

"3. And as to the said last case, cited as a precedent, marked No. 7, which comes the nearest to the present, the Directors of the South Sea Company being thereby appointed Directors and Managers (which they are not by any of the former) to execute all the powers given to Directors and Managers by the act of the fifth of his present majesty, for redeeming the fund appropriated for the payment of the lottery tickets, yet neither by that appointment, or the act referred to, had the Directors of the South Sea Company any authority to do any thing in relation to contracts or bargains to be made, wherein the company was to be made a party; and therefore not to be compared in the present case.

"4. But if the said last and only precedent, not before taken notice of, had been a precedent in point, yet it bearing date no longer ago than the 4th of May, 1719, and being signed by four of the five commissioners of the Treasury, who have signed the appointment which it is brought to justify, and having passed under silence, no occasion having happened to draw the validity thereof into question, it

could be, as we conceive, of no authority to support the said last appointment when it was drawn in question, and ordered to be considered by the committee of the whole House appointed to inquire into the causes of the late unhappy turn of affairs, which has so much affected the public credit at home.

"For the aforesaid reasons, and lest it might be deemed to be a prejudging of a matter, that may possibly be brought judicially before us. Wharton, Compton, Litchfield, Abingdon, Bingley, North and Grey, Weston, Cowper, Gower, Bathurst, Guildford, Scarsdale, Aylesford, Strafford, St. John de Bletsho.

The Directors of the South Sea Company examined by the Lords.] The same day, it was ordered by the Lords, That all the Directors of the South Sea Company, as are not members of the House of Commons, together with the Treasurer, Under Treasurer, Accountant General, and Secretary, of the said Company, do attend this House on Thursday next.

Jan 16. The Lords ordered, That the judges do forthwith prepare, and bring in, a Bill, to incapacitate the Sub Governor, Deputy Governor, and Directors, of the South Sea Company, from holding or exercising any office longer than to the time of the next election of Directors of the said Company; and that provision be made in such Bill, to incapacitate the said Sub Governor, Deputy Governor, and Directors, from bearing any office in the East India Company, or the Bank of England.

Jan. 21 A Petition of the Sub Governor, Deputy Governor, and the Directors of the South Sea Company, being read, praying to be heard by their counsel, as to the Bill brought up from the Commons, for restraining the petitioners from going out of the kingdom, &c. the said Bill was read a second time, and committed to a committee of the whole House for Monday That it being proposed, That the intent of the Bill being to prevent the petitioners from withdrawing their persons and effects, for making satisfaction and for punishing them for the notorious breach of trust, which they have already appeared guilty of, or which they do not deny or excuse in their Petition, that therefore the Petition be rejected, and the question being put upon the said proposition, it was resolved in the affirmative.

After this it was ordered, That the Brokers do lay before the House an account of all the stock and subscriptions bought or sold by them, for any of the officers of the Treasury or Exchequer, or any in trust for them, or any of them, to the best of their knowledge and belief, since Michaelmas, 1719. By this account it appearing that large quantities of South Sea Stock had been transferred to the use of Mr. Aislabie, one of the Lords of the Treasury, the duke of Wharton said, He hoped some great men would produce some good fruit, else they would break out into blotches, that would stick upon them, like the leprosy of Naaman the Syrian on Gehazi.

Jan. 24. The Lords, in a grand committee, examined Mr. Joye, Deputy Governor, who made a very ingenuous confession of several important matters.

Upon a motion made by lord Stanhope, sir William Chapman, Mr. Houlditch, Mr. Hawes, Mr. Gibbon, and Mr. Chester, five of the Directors, after being examined, were ordered into the custody of the black rod.

Jan. 26. The Lords examined Mr. Astell and sir Harcourt Masters, who made very ingenuous and large discoveries, and named several persons both in the administration, and in the House of Commons, to whom large sums, in South Sea stock, had been given for procuring the passing of the South Sea Act. After which, upon a motion made by the earl Stanhope, and seconded by the lord Townshend and earl Cowper, their lordships unanimously resolved, "That the taking in of stock, the transferring of stock to the South Sea Company, the giving credit for the same without a valuable consideration actually paid, or sufficiently secured; or the purchasing stock, by any Director or Agent of the South Sea Company, for the use or benefit of any person in the administration, or any member of either House of Parliament, during such time as the late Bill relating to the South Sea Company was depending last year in parliament, was a notorious and dangerous corruption."

Jan. 31. The Lords, in a grand committee, examined Mr. Waller, son-in-law to Mr Aislabie, and Mr. Astell, severally, in relation to a great quantity of South Sea stock which appeared to have been transferred to, and negociated by the said Mr. Waller, who pretended not to have kept Minutes of what he had done in Exchange-alley. This some Lords looked upon as prevarication, and the said Examination being over, their lordships resolved, "That the Directors of the South Sea Company, having ordered great quantities of stock to be bought for the service of the Company, when stock was at very high prices, under pretence of keeping up the price of stock; and at the same time several of the Directors, and other Officers belonging to the Company, having, in a clandestine manner, sold their own stock to the Company, such Directors and Officers were thereby guilty of a notorious fraud and breach of trust; and their so doing was one great cause of the unhappy turn of affairs that has so much affected the Public Credit."

Feb. 3. The Lords, in a committee, examined Mr. Hawes, one of the late Directors

Sir John Blunt examined by the Lords.] Feb. 4. Sir John Blunt* was examined by

* "Much injured Blunt! why bears he
Britain's hate?
A wizard told him in these words our fate:
'At length Corruption, like a gen'ral flood
'(So long by watchful ministers withstood)
'Shall deluge all; and Avarice creeping on,
'Spread like a low-born mist, and blot the sun;

the grand committee. The particulars of his Examination are as follows:

Sir John Blunt being called in, and the book of the account of stock sold, being shewn to him, he was asked if it contained a true account; he said, he never saw a true account of stock sold, and in one place his name being mentioned, he says, he does not know he sold that stock.

And being asked if he was of the Committee of the Treasury; he answered, he was not; then being asked if he was of the Committee for taking care of the Company's interest, in relation to the bill; he desired to refer himself to the books of the Company. Owned he might possibly be at the Court of Directors, when the book of stock sold was brought to them from the Committee of Treasury, but it was not read over there

Asked if he ever sold any of the stock to any person of the administration, or any member of either House of Parliament; and thereupon insisted, it was the right of an Englishman not to accuse himself, if it was a criminal matter, if not, he would give the best answer he could.

He was directed to withdraw.

Proposed he be called in again, and told he must answer the question; and thereupon he was called in, and asked accordingly; and says, he is sensible of the weight of falling under the displeasure of this House; but being required either peremptorily to answer, or withdraw, he acquainted the Committee he had been under a strict examination already before the Secret Committee of the Commons, and answered several questions long and various, and would not be thought to prevaricate, having no copy of what he had before sworn.

He then owned he had disposed of two sums, 6,000*l.* to col. Monroe at 275, and 1,000*l.* to Mr. Banks at 310, both of the House of Commons; he took Mr. Banks's note for payment of the money, and gave him a note that the stock should be delivered, and the money was paid soon after it became due, and he gave it to Mr. Knight; he, this examinant, did not tell him whose stock it was, wherefore Mr. Banks thought it was his own, he believes; but has told him since the session, it was the Company's stock.

Sir John being asked if he offered to put another name in his stead, he believes he did, and that Mr. Banks said, it might stand in his own name; he likewise said, he believed the colonel did not know it was the Company's stock, he having never told him it was, as he remembers.

Asked if the practice of taking the stock was resolved on by the Directors; and answers, he cannot say it, but owned they might have consulted about it.

He was directed to call to memory all such as he transacted for, or what any other of the Directors did of that kind.

And says, it is impossible for him to recollect; repeated, that he has been under examination before to this matter in another place, and therefore hopes to be excused answering, lest his evidence should differ.

And being required to give an account if other Directors did not consult him about matters of this nature; he made the same excuse, as to his being examined in another place, and declined to answer.

He is again directed to withdraw.

Proposed to call him in again, and ask him if he did not take stock in for any person in the administration, he naming before only two of the House of Commons; and being called in and asked accordingly, says, he does not remember he did sell or take in any stock for any person in the administration.

The last question but one being asked him, says, he would be very loth to offend this august body, and would be glad he could get a copy of what he had sworn in another place; whereupon he was told, if he did not answer, it would be reported so to the House; he hoped he should have indulgence, declaring he would do nothing to create offence.

Asked if he had any other reason for his refusal than that he has already given, and says, no other than his being examined by the Committee of the Commons; but it being insisted on he should answer, he still hoped for indulgence, in referring to his former examination.

He was then asked, if any person had ad-

'Statesman and Patriot ply alike the stocks,
'Peeress and Butler share alike the box,
'And Judges job, and Bishops bite the town,
'And mighty Dukes pack cards for half a
'crown
'See Britain sunk in lucre's sordid charms,
'And France reveng'd on Anne's and Edward's
'arms.'
'Twas no court-badge, great scriv'ner! fir'd thy brain,
Nor lordly luxury, nor city gain:
No, 'twas thy righteous end, asham'd to see
Senates degenerate, patriots disagree,
And nobly wishing party-rage to cease,
To buy both sides, and give thy country peace."

"Sir John Blunt, originally a scrivener, was one of the Projectors of the South Sea Company, and afterwards one of the Directors and chief Managers of the famous Scheme in 1720. He was also one of those who suffered most severely by the Bill of Pains and Penalties on the said Directors. He was a Dissenter of a most religious deportment, and professed to be a great believer. Whether he really did credit the prophecy here mentioned is not certain, but it was constantly in this very style he declaimed against the corruption and luxury of the age, the partiality of parliaments, and the misery of party spirit. He was particularly eloquent against avarice in great and noble persons, of which he had indeed lived to see many miserable examples. He died in the year 1732." Pope. Epistle to Allen lord Bathurst.

vised or directed him, directly, or indirectly, to refuse to give an account of what he was before asked, as to his taking in, or selling stock to any in the administration, or members of either House, and says, no.

Asked whether he knows of any other directors, or their officers, that have sold or taken in stock for any in the administration, or members of either House, and says, he has before given an account, and again desires to refer to his examination before the secret committee of the Commons.

Asked whether he knew or heard of any stock taken in, or to be taken in, for any person in the treasury: and declining to answer, he was peremptorily asked, whether he would answer or no; and says, he was sensible of the danger of falling under their lordships' displeasure, and would gladly be excused.

Then it being insisted on he should withdraw, he withdrew accordingly.

Proposed this Matter be reported to the House, also proposed sir John Blunt be again called in, whereupon a motion being made, and the question being put, That the said sir John Blunt be now called in,

It was resolved in the affirmative.

Called in accordingly, and asked the last question; and says, he did not sell stock to any of them, nor knows of any sold to any person of the Treasury, and it was a hard thing to be put to speak upon hearsay.

He is again directed to withdraw.

Then a debate arose how to proceed in this unprecedented Case, and severe reflections were made against those in power by the duke of Wharton, who observed, That the government of the best princes was oftentimes made intolerable to their subjects by ill ministers, which his grace illustrated by the example of Sejanus, who made a division in the imperial family, and rendered the reign of the emperor Claudius odious to the Romans. This reflection was highly resented by the earl Stanhope,* who took upon him to vindicate his colleagues; and brought several instances from the Roman history, particularly that of the great patriot, Brutus, who, in order to assert the liberty of Rome, and free it from tyranny, sacrificed his own degenerate son. This skirmish being over, the Lords adjourned the farther consideration of that matter to the 14th, when sir John Blunt was ordered to attend again, also the directors and their officers, as was likewise Mr. Waller.

Feb. 7. The House proceeded to take into consideration the behaviour of sir John Blunt, at the bar on Saturday, and came to the following Resolution, "That sir John Blunt having been asked several questions, by the committee of the whole House, upon oath, and having not only prevaricated in such Examination, but having refused to give any answer to several material questions, and being thereupon required to be examined before this House at the bar, and there, out of some evil intention, obstinately refusing to take his oath, in order to his examination, is guilty of the highest contempt of this House, manifestly tending to defeat all parliamentary inquiries and examinations, and of dangerous consequences to the constitution."

Mr. Knight, Cashier of the South Sea Company, makes his Escape to France.] Jan. 23 Mr. Serj Pengelly, from the Committee of Secrecy, acquainted the Commons; That Mr. Robert Knight, * Cashier of the South Sea Company,

* "My lord Stanhope spoke with so great vehemence, that finding himself taken suddenly with a violent head-ach, he went home and was cupped, which eased him a little. The next morning, he was let blood; and continued pretty well till about six o'clock in the evening, when falling into a drowziness, his physicians thought fit to order him a glyster; but as he was turning himself to receive it, he fell on his face, and was instantly suffocated. The news of his death being brought to the king, his majesty was so sensibly touched with it, that he could not eat his supper, and his majesty retired for two hours into his closet, to lament the loss of so able and so faithful a minister, of whose service his majesty had so great need, at this critical juncture." Political State.

"James Stanhope, grandson to the first earl of Chesterfield by his second lady, having served when very young as a volunteer under the duke of Savoy, was made a captain in the foot-

guards, with the rank of lieutenant colonel, in 1694; was a member of the House of Commons from 1700 till created a peer, served a volunteer in 1702 in the expedition to Cadiz, and next year in Portugal; was made a brigadier-general in 1704, envoy extraordinary to Charles 3, in 1706; major general in 1707; and commander in chief of the forces in Spain, 1708. The same year he subdued Minorca; and in 1710 commanded the English forces at the battles of Almanza and Saragossa. He was constituted first commissioner of the treasury and chancellor of the exchequer, April 11, 1717; created viscount Stanhope of Mahon, July 24; secretary of state, March 21, 1717-18; earl Stanhope, April 9, 1718; and was sent the same year to France and Spain, to conclude the negociations for a general peace; was one of the lords justices in 1719, was twice in France, where he brought the king of Spain to accede to the Quadruple Alliance: and on his return was again one of the lords justices. He was suddenly seized with a dizziness in his head, occasioned by the vehemence of a debate in the House of Peers, Feb. 4, 1720-1: and died next day." Steele's Epistolary Correspondence, vol 2. p. 338, edit. 1809.

* In the mean time, Mr. Knight, Treasurer of the South Sea Company, who was entrusted with the principal secret of this dark intrigue, either of his own accord, or, as it was afterwards suspected, at the suggestion of others, thought

had, on Saturday night last, after he had been in part examined by the said Committee, withdrawn himself from his habitation, and had not been heard of since by his family.

Hereupon it was resolved, nem. con. to present two Addresses to the king, "To issue a Proclamation, with a reward for discovering, apprehending, and detaining the said Robert Knight, that he may be brought to justice. 2 To give orders forthwith to stop the ports, and to take effectual care of the coasts, to prevent the said Mr Knight, or any other Officers of the South Sea Company, from escaping out of the Kingdom." These Addresses were directly carried to the King by Mr Methuen, and his majesty returned for Answer, that he would immediately give the necessary orders according to the desire of the House: accordingly a Proclamation was published, with 2,000*l.* Reward for apprehending Mr. Knight.

Several of the South-Sea Directors secured and expelled the House.] The Commons having ordered their doors to be locked, and the keys laid on the table, summoned sir Robert Chaplin, bart. sir Theodore Janssen, bart. Mr. F. Eyles, and Mr. Sawbridge, to attend in their places immediately; then general Ross acquainted the House, "That they had already discovered a train of the deepest villany and fraud that Hell ever contrived to ruin a nation, which is one time, they would lay before the House; and that in the mean while, in order to a farther discovery, they thought it highly necessary to secure the persons of some of the Directors, and principal South-Sea Officers, and to seize their papers, which was ordered accordingly."

Mr. Sawbridge, and sir Theodore Janssen being come into the House, a motion was severally made, "That they were guilty of a no-

fit to retire out of the kingdom; and having on Sunday the 22d absented himself from his house, embarked on Monday morning in the river, on board a vessel, that carried him the same evening to Calais. The same morning, a porter delivered to Mr. Surman the following Letter, directed to the South-Sea Company:

'Gentlemen:

'I write this from a true sense of the obligation I am under to make up my accompts with the Company, and to pay them their full demand: And though self preservation has obliged me to withdraw myself from the resentment against the Directors and myself; yet I am not conscious to myself, of having done any one thing that I can reproach myself for, so far as relates to an honest, sincere intention and zeal for the Company; but I can, and do charge myself with a great many indiscretions, and am (besides the concern I must be under for leaving my own family, friends, &c.) very sensibly touched with what you are like to suffer on this account; and it will be the more, I am afraid, from your want of unanimity, which I heartily recommend to you for the future, and, I am sure, wish you as well as you wish yourselves.

'I write this at a distance from home, and under a great deal of concern, so cannot be so particular as otherwise I would have been. I have herewith sent Mr. Surman the key of my desks, who knows so much of the state of the cash, as to be able to make it up. There are a good many Bills of Exchange, and other payments to write off, and the weekly receipts to write on. There is cash in the Bank, to the company's book, which, together with the notes taken on the third and fourth subscriptions, and the company's bonds, will make up the balance, as I do believe. But if it fall short, I have 3,000 equivalent stock, 3,000 Bank stock, 2,000 India and South Sea stock, over and above what I owe the company on the loan, as will be sufficient to make it up with money owing on securities on my par-

'ticular account. The company need not deliver or be answerable for the subscription 'receipts or stock on the third and fourth sub'scriptions, unless these notes are paid; so 'the loss can only be the difference between 'the subscriptions, and money in value. And, 'I think, it would be hard for me to bear the 'loss, because the clerks took by far the 'greatest part of them, as thinking them better 'than ours. And most of them would have 'been non-payments, if they had been refused. 'However I submit this to the Company. I 'have taken with me but little more than a 'sufficiency to maintain myself; and the effects 'left, will more than answer for all deficiencies. 'I have bought no land in trust for me, nor 'have I ever conveyed or settled any part of 'that I had formerly, or have bought lately; 'it remains to answer any demands on me from 'the Company, or the legislature. I have with'drawn myself only to avoid the weight of the 'inquiry, which I found too heavy for me; and 'I am sensible that it would have been im'possible for me to have avoided the appearance 'and charge of prevarication and perjury, not 'from my own intention to do so, but from the 'largeness and extent of the inquiry, and the 'nature and largeness of the transactions. I 'am sure, I am a good deal concerned to add 'to your present difficulties: though I must 'say, that I have deserved better usage than I 'have had from the court the last week: but this 'I say without any resentment, otherwise than 'that it has been an addition to the weight I 'had before upon me. I am prest for time, so 'can only assure you, that I am, with all re'spect, in inclination, though not in power,—
'Gentlemen, your most obedient humble servant,
'Sunday Evening, ROBERT KNIGHT.'
'22d Jan. 1720.'

"Mr Surman delivered this Letter to the Committee of Secrecy, then sitting in the South Sea House, from whence they immediately repaired to the House of Commons." Political

torious breach of trust, as Directors of the South-Sea Company, and thereby occasioned very great loss to great numbers of his majesty's subjects, and had highly prejudiced the public credit:" and they having severally been heard in their places, and being withdrawn, the question was severally put upon the said motion, and carried in the affirmative *nem. con.* after which it was ordered, that the said Mr. Sawbridge, and sir Theodore Janssen he, for their said offence, expelled the House, and taken into the custody of the Serjeant at Arms.

Jan. 24. The Commons resolved, *nem. con.* to address the King, to give directions to his ministers, at foreign courts, to make application for Mr Knight, if he should shelter himself in any of their dominions, to be surrendered up in order to be brought to justice; which directions his majesty gave accordingly.

Jan. 28. Sir Robert Chaplin, bart. and Mr. Francis Eyles, Directors of the South-Sea company, attending in their places, they were both likewise, for their offence, expelled the House.

February 3. Mr. Robert Walpole presented to the House a bill, "For ingrafting part of the Capital Stock and fund of the South-Sea Company into the stock and fund of the Bank of England, and another part thereof into the stock and fund of the East India Company:" which was read the first time, and ordered to be read a second time on the 7th.

Feb. 7. The said Bill was read a second time, and a motion being made for committing it to a committee of the whole House, it occasioned a high debate, in which Mr. R. Walpole, Mr. Heath, and some others, insisted for the affirmative; and Mr. Milner, Mr. Sloper, Mr. Clayton, and sir Joseph Jekyll, for the negative; and it was at last carried for the former by 257 voices against 139.

Feb. 8. Mr. Hungerford presented to the House a bill, 'For the better Establishment of 'Public Credit, by preventing, for the future, 'the infamous Practice of Stock-Jobbing,' which was read the first, and ordered to be read a second time.

Debate in the Lords on a Report of Mr. Knight's being apprehended.] Feb. 9. Lord Cowper took notice to the House of the report of Mr. Knight's being taken and in custody, which being a matter in which the public was highly concerned, he desired those in the administration to acquaint the House, whether there was any ground for that report?

The Earl of *Sunderland* having upon this informed the House in what manner Mr. Knight had been apprehended and secured; a motion was made to address his majesty, to order his ministers abroad, to use the most effectual instances to have him delivered up, and sent over. Hereupon

Lord *Cowper* represented, That the person, who at present took care of his majesty's affairs at Brussels, being a foreigner, it were therefore proper for the House either to send a messenger of their own, or to desire his majesty to send a special messenger to bring over Mr. Knight, who was so material an evidence in the present inquiry into the villainous frauds of the late South-Sea Directors, and their abettors.

The Lord *Townshend* said thereupon, That either of these would imply a distrust of his majesty's care in this affair, which they had all the reason in the world to be satisfied in: that upon the application made to his majesty, for using his endeavours to get Mr. Knight secured, twelve expresses were immediately dispatched for that purpose to his majesty's ministers abroad; and that these orders had been executed with such diligence, by the secretary of his majesty's resident, at Brussels, that Mr. Knight was actually apprehended, and in safe custody: concluding, That it became the wisdom of that august assembly, to express their grateful acknowledgements to his majesty for his past care, and to rely on his future endeavours for getting Mr. Knight delivered up, and sent over.

Accordingly, the same day an Address was presented, to which his majesty returned for Answer, That he would give the necessary orders, and use his utmost endeavours to have Mr. Knight secured and brought over.

A similar Address was also agreed to by the Commons.

Petition from the South Sea Company for allowing them further Time for Payment of the Money due from them to the Public.] Feb. 13. Upon the reading of the order of the House, for going into a grand committee upon the Bill, 'For 'in' grafting Part of the Capital Stock and Fund 'of the South-Sea Company, &c.' A Petition of the South-Sea Company was offered to be presented to the House, and the members in Westminster-Hall, Court of Requests, and places adjacent, having been summoned to attend the service of the House, the said Petition was brought up and read, praying the consideration of the House, in relation to the payments of the several Sums of Money, which by the act of parliament of the last session, the said Company are subject and liable to, for the use of the public, at the times, and in the manner by the said act directed, and praying such relief, as to the House should seem meet.

Hereupon, a motion was made, and insisted on by Mr Shippen and several others, That the said Petition be rejected; but they being opposed by Mr Robert Walpole, and all the court party, and the question being put thereupon, it was carried in the negative, by 253 voices against 166; however, the said Petition was ordered to lie on the table; and then another motion was made by the country party, that it be an instruction to the said Committee, that they have power to receive a clause for excluding the Directors of the South-Sea Company, East India Company and the Bank of England, from being elected members, or sitting and voting in any future parliament: but, after some debate, the question being put there-

upon, it was carried in the negative, by a majority of 211 votes against 164.

The King's Message relative to the Petition of the South Sea Company.] Feb. 15. Mr. Methuen delivered to the Commons the following Message from his majesty:

"G. R.

"His majesty having received a Petition from the Court of Directors of the South Sea Company, relating to the payment of the money due to the public from the said Company, has thought fit to transmit the said Petition to the House of Commons; and, at the same time to acquaint them, that his majesty has no objection to the parliament's giving to the South Sea Company such ease and relief, in the time of making the payments due to the public, as the House of Commons shall think fit and reasonable."

This Message was referred to the consideration of a Committee of the whole House the Friday following, and then a clause was ordered to be inserted in the Bill, For ingrafting part of the Stock and Fund of the South Sea Company, in restrain the Corporations of the Bank of England, of the South Sea Company, and of the East India Company, from lending any sum of money to their proprietors upon their stock exceeding 100*l.* for 100*l.* capital stock.

THE FIRST REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.] February 16. The order of the day being read, Mr. Brodrick, from the Committee of Secrecy, to whom it was referred to enquire into all the proceedings relating to the execution of the act of the last session of parliament, intitled, 'An act for enabling the 'South Sea Company to increase their present 'capital stock, &c.' reported the matter as it appeared to them, which they had directed him to report to the House; and having read the said Report in his place, which took up near two hours and half, he delivered it in at the table, where the same was again read as follows:

THE FIRST REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.*

The Committee of Secrecy appointed to enquire into all Proceedings relating to the execution of the Act passed last session of parliament, intitled, 'an Act for enabling the South Sea 'Company to increase their present capital 'stock and fund,' &c have endeavoured, with continued application to discharge the trust reposed in them. At the entrance into their enquiry they observed the matters referred to them were of great variety and extent. Many persons were entrusted with different parts in the execution of this law, and under the colour thereof acted in an unwarrantable manner, in disposing of the properties of many thousands of persons, amounting to many millions of money.

fictitious entries, with blanks, erasures, and alterations, and in some, the leaves were torn out. Some books had been destroyed, others secreted.

"Before the South Sea Bill was passed, and with a view to promote it, the Directors, to whom the secret management was principally retrusted, had disposed of a fictitious stock of 574,000*l.* This stock was noted as sold at several days, and at various prices, from 150 to 335 per cent. amounting in the whole to 1,259,325*l.* it was to be esteemed as holden of the Company, for the benefit of the pretended purchasers, though no mutual agreement was then made for the delivery or acceptance of the stock at any stated time; no money was deposited, and no security given for the payment. By this contrivance, no loss could have been sustained, if the stock should fall, and the gain would be received, if it should rise

"As this fictitious stock was designed for promoting the Bill, the sub and deputy governors, Sir John Blunt, Mr. Gibbon, Mr. Chester, Mr. Holditch, and Mr. Knight, the cashier, had the chief disposal of it, and it was distributed as follows:

To the earl of Sunderland, at the request of Mr. Craggs, sen - -	£. 50,000
The dutchess of Kendal - - -	10,000
The countess of Platen - - -	10,000
Her two neces - - - - - -	10,000
Mr Craggs, senior - - - - -	30,000
Charles Stanhope, esquire - - -	10,000
The Sword Blade Company - -	50,000

"It also appeared, that Charles Stanhope had received a difference of 250,000*l.* through the hands of sir George Caswal and Co. but that his name had been partly erased from their books, and altered to Stangape. That Aislabie, Chancellor of the Exchequer, had an account with Turner, Caswal, and Co. to the amount of 794,451*l.* and that he had advised the Company to make the second subscription 1,500,000*l.* instead of a million, by their own authority, and without any warrant. That of the third subscription, Aislabie's list amounted to 70,000*l.* Sunderland's to 160,000*l.* Craggs's to 659,000*l* and Stanhope's to 47,000*l.* That on the pawned stock which had been sold, there was, by the means of Mr. Knight, a deficiency of 400,000*l.* This report was succeeded by six others, less important; at the end of the last, the Committee declared that the absence of Knight, who had been principally and solely intrusted, put a period to their inquiries into this black and intricate affair." Coxe's Walpole.

* "The first Report of the Committee of Secrecy when presented to the House, exposed a scene of fraud and iniquity almost unparalleled in the annals of history. The Committee stated that their inquiry had been attended with numerous embarrassments and difficulties; that in the different books were made false and

In the progress of their enquiry your Committee found it attended with many difficulties.

In some of the Books produced before them, false and fictitious entries were made; in others, entries with blanks; in others, entries with razures and alterations; and in others, leaves were torn out. They found farther, that some books had been destroyed, and others taken away or secreted; nevertheless, your Committee are enabled to lay some matters of importance before the House for their present consideration.

The first matter that offered itself to the consideration of your Committee was a scene of iniquity and corruption, the discovery of which your Committee conceived to be of the highest importance to the honour of parliament, and the security of his majesty's government.

Your Committee observed, in the account laid before the House by the court of directors of the South Sea Company, pursuant to your order the 12th day of December, that the Company were therein supposed to have received the sum of 1,259,325*l.* upon account of stock sold to the amount of 574,500*l.* stock: whereupon your Committee ordered the Company's cash book to be laid before them, and upon inspection thereof, they found (at fol. 120 and 121) the several entries of stock, as sold for the Company, annexed at the end of this report, No. 1. the total of which entries amount to the said sums of 574,500*l.* in stock; and of 1,259,325*l.* in cash; but it is very observable, that from the article of the 4th of February, 1719, unto that of the 12th of April, 1720, both inclusive, there is no mention made of the name of any person whatsoever to whom the stock is supposed to be sold.

The whole accounts comprehended in these two pages of the cash-book, and entered in this concealed manner, appear, nevertheless, to have been stated and balanced by the Company's committee of treasury, without expressing the day when such accounts were stated, and are subscribed by sir John Fellows, then sub-governor, Mr Charles Joye, then deputy-governor, sir Lambert Blackwell, sir Robert Chaplin, sir Theodore Janssen, Mr Jacob Sawbridge, and Stephen Child, then directors all of them of the said Committee, and sir Robert Chaplin, sir Theodore Janssen, and Mr. Sawbridge, at that time members of this House.

Your Committee, upon this occasion, take the liberty to remind the House of a remarkable period in the last session of parliament; that upon the 2nd of February, 1719, the House agreed to the report of the Committee of the whole House, appointed to consider of that part of his majesty's speech which related to the public debts, that the proposals made by the South Sea Company should be accepted, and ordered a bill to be brought in pursuant to the said resolution, which bill having passed this House, and afterwards the House of Peers, had the royal assent upon Thursday the 7th of April, 1720.

Your Committee, surprized to see so large an account of stock disposed of by the Company, before the passing the bill to enable the Company to increase their capital stock and fund, and before any subscription or redemption could be made, whereby their capital stock was increased, proceeded to examine carefully into that transaction.

And upon examination of the late sub and deputy-governors, and the late directors of the South Sea Company, Mr Robert Knight, then cashier, Mr Robert Surman, then deputy-cashier, Mr John Grigsby then accountant, Mr Charles Lockyer, then 2nd accountant, and Mr Matthew Weymondsold, broker, it manifestly appeared to your Committee, that the Company at that time was not possessed of such a quantity of stock, whereof they could then make an actual sale and transfer; the Company having at that time, in their own right, only a small quantity of stock, not exceeding 25,000*l.* or 30,000*l.* at the most. And upon the inspection of the transfer books of that time, as well as upon examination of the before-mentioned persons, your Committee cannot find any transfers made by the Company, of any part of that great quantity of stock, at the times specified in the cash-book, (excepting to the duke of Portland, the lord Delawar, and the honourable John West, esq.; who sold their annuities to the Company) and on account of any transfers of such stock has as yet been given into this House, although by your order of the 17th of December last it was expressly required.

Upon farther examination of the persons before-mentioned, your Committee discovered that this supposed sale of stock was colourably entered in the book for the benefit of persons, whose names were designed to be concealed, with intention to make an interest in favour of the Company, and to facilitate the acceptance of the South Sea Proposals, and the passing the bill, which were at that time depending in parliament. And to that end, the late sub and deputy-governors, sir John Blunt, Mr Gibbon, Mr. Chester, and Mr Holditch, late directors, who had the care of soliciting the passing the bill, together with Mr. Knight, the cashier, had the power of disposing of this stock.

And the general method by which this practice was carried on, was thus.

This stock was set down, as sold at several days and at several prices, from 150*l.* per cent. to 325*l.* per cent. and was from those times to be esteemed as taken in, or holden by the Company, for the benefit of the pretended purchasers, although no mutual agreement was then made for the delivery, or acceptance of the stock, at any certain time, and although no money was paid down, nor any deposit, or other security, given to the Company for payment, by the supposed purchasers. so that if the price of stock had fallen, as might be expected, if the scheme had miscarried, no loss

could have been sustained by them; but if the price of stock should advance (as it actually did by the success of the scheme) the difference by the advance price was to be made good to the pretended purchasers: and accordingly the account of such stock was made up, and adjusted with Mr Knight, and the money arising by the difference of the price, between the times of such taking in, or holding of the stock, and the making such adjustments, was paid, or allowed, out of the company's cash, to the pretended purchasers; but no entries of such adjustments, or of names of the persons with whom the said were made, appear to your Committee to any of the books of the Company.

Sir *Theodore Janssen* affirmed, that when the said account in the cash-book was laid by Mr. Knight before their Committee of treasury, to be passed and signed, an objection being made that blanks were left for the buyers of this stock, the late sub-governor, and Mr. Knight, said, there were reasons for passing the account in that manner, and that the stock was disposed of to persons whose names were not proper to be known to a great many, but at a fit time a perfect account thereof should be made up, and that if the bill did pass the stock would be well sold.

Mr. *Robert Surman* declared, that about the 3d of April, 1720, Mr. Knight the cashier, shewed him that account of stock sold in the cash-book (fol. 120, and 121) and told the examinant, that there was a Committee appointed to look into the state of the cash that night, and that he, Mr. Knight, having thereby charged himself with the value of so large a quantity of stock sold, would appear to have a great sum of money in his hands, which he really had not, and therefore said, he would write off a supposed sum of 800,000*l.* as lent by the Company to sundry persons upon 400,000*l.* stock, and Mr. Knight did then accordingly enter the same with his own hand, (fol. 120) of the said cash-book, in the following words,

"1720. April 3. By loan to sundries on security of 400,000*l.* South-Sea Stock, at an interest of 5*l.* per cent. per annum. 800,000*l.*

That Mr. *Robert Surman* farther declared, he did not know that any part of the said money was really lent, but the entry was made to that effect by Mr. Knight, with an intention to answer, in part, the account of stock sold: he believed also that the entry in the same book was written by Mr. Knight, as follows, (fol. 121.)

"April 14. By account of loan on South-Sea Stock, lent to sundries on security of 100,000*l.* stock at 250, at an interest of 5 per cent. per annum, 250,000*l.*"

As to the greatest part, if not the whole of that sum, it was entered with the same view; and the examinant at that time took it, that this stock entered as sold in the cash-book, was not paid for, and for that reason Mr. Knight entered these sums of 800,000*l.* and 250,000*l.* as actually disbursed, to help to make a balance upon the account, as it now stands in the cash-book.

That the examinant observing the said entry of stock sold, Mr. Knight told him, that it was a transaction of a private nature, and that a great part of it was disposed of to persons of distinction.

Mr. *Astell*, one of the late directors, likewise declared, that he believed the said article of loan of 800,000*l.* on 400,000*l.* stock was entered as a blind to answer the account of receipts on the other side of the cash-book, for that he could not find any minute thereof in the other books of the company.

Mr. *Stephen Child* said, that he took the articles of stock bought and sold in the cash-book, to be fictitious, and to be entered in that manner merely to make a balance.

Whilst your committee had this matter under examination, viz. upon the 27th day of January last, the court of directors (pursuant to your order of the 17th of December preceding, requiring a particular account of this stock sold, and by whom, and to whom transferred) laid before this House a book, containing an account of stock sold, as they received it from their committee of treasury, without mentioning that any part of such stock was actually transferred.

And your committee examining into that account, sir John Blunt (from whom your committee received the first material informations) the late sub and deputy-governors, Mr. Gibbon, Mr. Astell, Mr. Chester, late directors, and Mr. Robert Surman, informed them, that they believed, and that it was generally so understood amongst the directors, that the said account laid before this House, is not a true account; and that there are many fictitious names therein, as the names of several brokers and others, which are made use of to cover the names of other persons, who had the real benefit of such stock, and who nevertheless are not mentioned in that account, but that the names of persons of distinction or condition therein contained are real.

Mr. *Astell* declared, that pressing Mr. Knight upon the repeated orders of the directors to make up the account of this stock, Mr. Knight answered, that he could not comply with these orders, without giving up forty or fifty of the Company's best friends.

Mr. *Robert Surman* gave your committee a farther explanation of the framing this account as follows.

That since the order of the House requiring this account, he assisted Mr. Knight in preparing a draught thereof, and by Mr. Knight's direction, he wrote down several names, which Mr. Knight read to him out of a book with a green cover, wherein Mr. Knight had kept an account of this stock entered in the cash-book of the Company, and also of subscriptions, but believed Mr. Knight did not give him all the true names, because Mr. Knight sometimes turned over a leaf or two without giving him a name, although there were in those leaves names

of persons with whom an account was there entered. And Mr. Surman further said, that he remembered, that in the same book, at the head of a large account, wherein the debtor side came near to the bottom of the page, he saw, the name of John Aislabie, esq. late chancellor of the exchequer, but Mr. Knight turned over that leaf, and did not give him that name to insert to the account.

That at the head of another account, in the same book, he saw the name of James Craggs, esq.

That at the head of another account in that book, he saw the name of Charles Stanhope, esq.

All which were accounts of stock and subscriptions, but Mr Knight left out all these names in this account; and after it was thus drawn out from the green book, and from some letters which Mr. Knight then delivered to this examinant, the sums not coming right, Mr. Knight made several alterations in the names and prices, and inserted other names and prices to frame the account in the manner it now appears.

Mr. *Francis Hawes*, one of the late directors, likewise declared, that about the time of making the last Midsummer dividend, Mr. Knight informed him, that he (Mr. Knight) held stock for John Aislabie, esq. and that he had no account of stock depending with Mr. Aislabie, and the examinant believed that such stock had been taken in some time before, and that Mr Knight held such stock with the Company's money.

And the examinant added, that he believed the reason of entering the 574,500*l.* stock sold, in the cash-book, was to give persons an opportunity of having stock at low prices, and that great part of the stock sold, was disposed of for the forwarding the bill.

Your committee proceeding to examine sir John Blunt, concerning the disposal of the fictitious South-Sea Stock before-mentioned, he acquainted them, that the latter end of February, or the beginning of March last, Mr. Knight told him, and (as he remembered) the late deputy-governor, Mr. Gibbon, and Mr. Chester, that Mr Craggs the post-master desired to have 80,000*l.* stock bought, at taken in at the current price, viz. 50,000*l.* for the earl of Sunderland, or his friends, and the remaining 30,000*l* for Mr Craggs, or his friends: that this request was complied with, and 80,000*l* of the company's stock was directed to be applied accordingly, which the examinant takes to be part of the sum of 113,000*l* entered into the company's cash-book as sold on the 27th day of February 1719, at 175*l.* per cent. That no money appears to have been paid for the above-mentioned 80,000*l.* But sir John Blunt said, that some time in March Mr. Knight shewed him a note for the 50,000*l* stock, signed Sonderland, which Mr. Knight said was the earl of Sunderland's hand, and the examinant believed it to be so, having seen his lordship's hand to treasury warrants and orders. The note, to the best of his remembrance, was to the effect following. That whereas Mr. Knight had bought several parcels of South Sea Stock for the earl of Sunderland, the particulars of which were therein specified, amounting in the whole to 500,000*l.* stock, at several prices, the money payable for which amounts to more than 80,000*l.* his lordship promised to pay the said money, with interest, at a certain time therein mentioned: that since the beginning of this session of parliament, the examinant and Mr. Knight discoursing about the company's fictitious stock, and particularly concerning the earl of Sunderland's part of it, the examinant asked how he would conceal that? Mr. Knight replied, he would go through thick and thin rather than discover it. That the examinant does not know of any money paid, or note, or other security, given by Mr Craggs for the 30,000*l.* residue of the 80,000*l* stock.

Mr *Edward Gibbon*, another of the late directors, said, that Mr Knight told him, that some time in February, 1719, he was to supply and furnish the earl of Sunderland, with 50,000*l.* stock, at between 170 and 180*l.* per cent. which was the price of stock at that time.

Mr *Joye*, late deputy-governor, declared, that Mr. Knight, about ten or eleven months since, told him, that 100,000*l.* stock must be reserved for Mr. Craggs of the Post-office, in trust for others; whereupon the examinant asking, What! for my lord Sunderland; he replied, not for himself, but his friends. Mr. Joye said farther, that Mr. Knight told him since the inquiry began, that the sum promised to Mr Craggs was but 30,000*l.*

The before named *James Craggs*, esq. being examined, said, that he never did apply to Mr. Knight, or any other person whatsoever, to have any of the Company's stock, or to have any stock taken in for him by the Company.

Mr. *Richard Holditch*, another of the late directors, said, that he was told by Mr. Knight, That 50,000*l.* of the company's stock, said to be sold, was held for a noble lord in a high station. That he apprehended and believed that by the lord in a high station, Mr. Knight meant the earl of Sunderland; but Mr. Knight being since asked about it, said, that it did not go that way, but it went another way, or words to that effect.

Your Committee in the course of sir *John Blunt's* examination asked him, whether he knew of any more of the Company's stock disposed of, in order to facilitate the passing the bill? He answered, that he believed the dutchess of Kendal, her two nieces, and the countess of Platen, were the persons for whose benefit 36,000*l* stock was entered in the Company's cash-book, as sold on the 4th of February, 1719.

That some time after the 4th day of February, 1719, and while the said scheme, or bill, was depending in the House, Mr. Secretary Craggs, in Westminster-hall, spoke to him, and to the late sub and deputy-governors, and to Mr. Chester, on the behalf of the persons above-

named, and said, he really thought it was for the interest of the Company to engage persons of their rank to be concerned in it, or words to that effect; whereupon it was agreed, that they should have 56,000*l.* of the Company's stock at the price mentioned, which was 150 per cent. although the market price, as he believed, was then somewhat bigger. That he took it for granted the agreement was since made good.

That Mr. Knight had the management of this affair, and used to keep an account of the stock thus disposed of in a book of his own; but he then apprehended the duchess of Kendal, and the countess of Platen, did not either of them know that the other was to have any stock.

Sir *John Fellows*, late sub-governor, on his examination said, that whilst the proposals from the South Sea Company, or the Bill in the House of Commons was depending, Mr. Knight told him, that Mr Secretary Craggs proposed, that 12,000*l.* of the company's stock should be disposed of to the duchess of Kendal, 12,000*l.* to the countess of Platen, and 12,000*l.* to the duchess's two nieces. The examinant agreed they should have the stock, paying the market-price, which was then above 150 per cent. But Mr. Knight telling the examinant, that he thought they were entitled to the stock from the first application made for it, at which time the price was about 150 per cent.; this examinant consented that they should have it at that price He added farther, that Mr. Secretary Craggs did at his office recommend the above-mentioned proposal, and said that it would be for the service of the company to have such persons proprietors. He said likewise, that the same proposal was at another time made to him and others by Mr. Secretary Craggs in Westminster-hall. That the examinant and the deputy-governor waited on the duchess of Kendal, and acquainted her with the proposals and that Mr. Knight should have orders to follow her directions, and desired her good offices on the Company's behalf; that the duchess received them civilly, and thanked them for it. The examinant said also, That a letter was wrote by Mr. Knight to the countess of Platen, signed by the examinant, and the deputy-governor, to acquaint her with the said proposal, and that she wrote an answer, signifying her acceptance, but that he had lost the letter.

Mr. *Edward Gibbon*, another of the said directors, being examined, declared, That whilst the South-Sea bill was depending in the House, he was at a conversation in Westminster-hall, at which were present Mr. Secretary Craggs, the sub and deputy governors, and Mr. Chester, where Mr. Secretary proposed, that about 30,000*l.* stock should be disposed of to certain Indi s, whose having stock would be of service to the Company, or to that effect, which was consented to; and he believed they were foreigners, but did not know their names.

Mr. *Joye*, the late deputy-governor, informed the Committee that some time before the above-mentioned conversation in Westminster-hall, Mr Knight told him, Mr. Secretary Craggs had mentioned to him, that it would be advisable to have some great ladies concerned in the Company's stock, and that they should have it at 150 per cent. That soon after sir John Fellows, Mr. Knight, and himself, being at Mr. Secretary Craggs's office, the same proposal was again renewed by the secretary, and was consented to by sir John Fellows, Mr. Knight, and himself; he did not exactly remember the proportions in which the stock was to be provided, but on the best recollection he could make, he thought the duchess of Kendal was to have 10,000*l.* stock, and the countess of Platen the like sum, and the duchess's nieces 5,000*l* each.

Mr. *Joye* said also, That there was a conversation with Mr. Secretary Craggs in Westminster-hall, concerning the afore-mentioned proposal; That he could not recollect what then passed, but remembered that soon after sir John Fellows and himself were introduced to the duchess of Kendal, by Mr. Secretary Craggs, who interpreted between them; that they acquainted her with the offer, and that directions would be given to Mr. Knight, to transfer the stock on payment of the money; that the duchess seemed well pleased with the offer, thanked them, and wished them good success.

He farther said, that talking with Mr. Knight, since this inquiry began, he said, that neither the duchess of Kendal, nor her nieces, had any stock transferred to them, but that the countess of Platen had; to which Mr. Joye replied, that he did not believe him.

Mr. *Robert Chester*, one of the late directors, being examined likewise about the said conversation in Westminster-hall, concurred, in substance, with what sir John Fellows has before declared.

Sir *John Blunt* said likewise, that after this examination on Friday the 27th of January last, Mr. Joye came to his lodgings, and asked him touching what had passed in his examination before your committee. That sir John Blunt told him, he had said nothing of the ministry: What! says Mr. Joye, nor of the ladies neither? To which sir John replied, that he had not.

That on Saturday the 28th of January last, soon after sir John Blunt had been again examined by your committee at the South-Sea house, Mr. Joye came to him, and asked him what had passed; that sir John told him he was under an obligation of secrecy; that he loved him very well, and that the best way was to tell the whole truth: What, says Mr. Joye, of the ladies, and all? Yes (says sir John) the examination is very strict, and nothing but the truth will do

Mr. *Joye* being examined by your committee to the above mentioned conversation between him and sir John Blunt, did admit that the substance of it was true.

Mr *Holditch* also informed your Committee that Mr. Knight told him, that 20,000*l.* of the

Company's stock, said to ha sold, was for a certain person, who had deserved well; and that some other person, or persons of distinction at court (or words to that effect) were to have 40 or 50,000*l.* of the Company's stock reserved for them.

Sir *John Blunt* being again examined, informed your committee, that Mr. Knight had the chief management of the disposal of the Company's stock; and, that whilst the South-Sea bill was depending in the House of Commons, Mr. Knight acquainted him, that Mr. Charles Stanhope, one of the secretaries of the treasury, desired to have 10,000*l.* stock bought, or taken in, for him, at the market-price, which was then about 250*l.* per cent. but the said Mr. Stanhope did not absolutely agree to have the stock at that time; but this same day, or the day following, Mr. Knight shewed sir John Blunt a letter, signed Charles Stanhope, where he desired to have the said 10,000*l.* stock bought, or taken in, for him, and sir John Blunt consented that he should have it accordingly.

That on the strictest enquiry your Committee cannot discover, that the said Mr. Stanhope ever paid, or gave any security to pay, for the said stock, or that any actual transfer was made to him of it.

Mr. *Richard Holditch* being again examined, said, he understood by Mr. Knight, that 10 or 12,000*l.* of the Company's stock, said to be sold, was held for Mr. Charles Stanhope of the treasury.

That Mr. Knight told him, that the said Mr. Stanhope was undetermined in the morning, when he first mentioned it, whether he would have it or no, but in the evening agreed to have it.

Your Committee find upon inspection of the account of cash kept by the South-Sea Company with the Bank of England, that by notes drawn upon the Bank by the cashier of the South-Sea Company the sums following, amounting to 51,736*l.* 13*s.* were paid to Charles Stanhope, esq. one of the secretaries of the treasury, out of the cash of the South Sea Company, at the days following, viz. May the 7th, 5,662*l.* 13*s.* May the 12th, 600*l.* June the 18th, 40,609*l.* September the 10th, 4,865*l.*

Upon the examination of Jacob Sawbridge, esq. late one of the directors, and of the Committee of treasury of the South-Sea Company, and also a copartner with Elias Turner and company, with whom part of the cash of the South Sea Company had been usually kept, till within three or four months past, and upon perusal of their books, your Committee discovered a disposition of 50,000*l.* of the Company's stock, (as it was then called) unto the said Turner, Sawbridge, and sir George Caswall, which sum now appears in the accouot of stock sold, laid before this House, viz.

March 21. Turner, Caswall, and Company, (50,000*l.* 250) 120,000*l.*

Ditto. 10,000*l.* (270) 27,000*l.*

The particulars of which affair, to further it, re-

lates to the said 50,000*l.* your committee do now lay before the House; and for the better information of the House, they have annexed in the Appendix to their Report, No. II. exact transcripts of their several articles and accounts contained in the several books of Turner and company, unto which their Report has reference.

Sir *Jacob Sawbridge* being examined, as to his passing and signing the account of stock sold, entered in the cash-book of the South-Sea Company, without the names of the persons to whom it was sold; and also the disposition thereof, acknowledged that he allowed and signed the said account, and made no objection thereto, Mr. Knight saying, that the account was right; but the examinant said he could not tell to whom that stock was sold, Mr. Knight not giving the committee of treasury any particulars thereof; but at length Mr. Sawbridge owned that he had 50,000*l.* part of the 68,000*l.* stock mentioned in the cash-book to be sold the 21st day of March 1719, at 250*l.* per cent. and said that when the charter of Turner and company was ordered to be laid before the committee, appointed the last session of parliament, to enquire into and examine the several subscriptions for fishery, and other projects, the said Turner and company were obliged to sell 50,000*l.* South-Sea stock more than they had, (which he called 'selling the 'bear') and hearing that the South-Sea Company were selling stock, he bought (as he said) this 50,000*l.* stock of the Company, but admitted that he did not pay down any money for it, and that there was no agreement in writing relating thereunto, but if the price of stock had fallen, he said he must have stood to the loss of it; that this stock was not then delivered to him, but was delivered to him, or his order, by Mr. Robert Surman, upon the 11th of June 1720, at which time he paid the money for it, amounting to 125,000*l.* that the price of stock was then advanced to 750*l.* per cent. so that at the market-price this 50,000*l.* stock comes to 375,000*l* and that he entered in his book 125,000*l* paid to the South Sea Company, and entered 250,000*l.* as paid to his own cash, but did not receive any money.

That he directed this account of stock to be entered in a fictitious name, that their servants might not know it to be the proper stock of Turner and company, and carried it to the account of stock in their books, where it is blended with the rest of the stock.

But Sir *John Fellows* said, that he did not know of any particular parcel of stock holden for Turner and company, till lately; and said he did not remember the disposal of the 50,000*l.* stock, to them; that Mr. Knight used to transact with them, and he (the examinant) believed, the Company did not intend to give them the benefit of so much stock.

Your committee proceeding to inspect the books of Turner and company, and to examine Daniel Watkins, one of their clerks, and also Mr. Jacob Sowbridge, do find, that upon the 11th of June, 1720, this 50,000*l.* stock and the

improved value thereof, amounting to 375,000*l.* was regularly placed to the account of Charles Stanhope, esq. in the several stock ledger books of Turner and company, mentioned in the Appendix, under the following letters, viz. in the stock ledger book, letter A, fol. 99, and in the stock ledger, letter B, fol. 7, and 62. The entry in the ledger, letter A, is in these words on the debtor side.

1720, June 11,

To cash for 22,000*l.* South-Sea stock to Robert Knight and Robert Surman's order - - - - - - - - - -	£. 202,230
To Do. 28,000*l.* Do. to J Stokes's account - - - - - - - - - - - -	172,770
	£. 375,000

And this account was upon the same 11th of June 1720, regularly entered in their book, called the general or clearing-book, letter C. fol. 110, and was placed to Charles Stanhope, esq. accordingly.

Daniel Watkins declared, that he at first wrote those several entries in the said book, in the name of Charles Stanhope, esq. by the direction of sir George Caswall, one of the copartners with Turner and Sawbridge, or from some other account, and believed, that he had seen the said Charles Stanhope, esq. at the office of Turner and company, once or oftener, in or about the months of May or June last, coming there to receive money, that he was then told Mr. Stanhope's name by some clerk in the office, and upon his examination described Mr. Stanhope to be a tall thin man, of a black or brown complexion, according to his remembrance.

The said accounts mentioning 28,000*l.* stock, part of the said 50,000*l.* to be adjusted with Joseph Stokes at 172,770*l.* your Committee sent for the said Joseph Stokes, and for Joseph Stanborough his partner, who acted for Turner and company, in the selling of stock, who being examined, and producing their account book, and comparing it with an account in the said ledger of Turner and company, letter D, fol. 86, kept with the said Joseph Stokes, for the produce of this 28,000*l.* stock, at 172,770*l.* John Stanborough said, that he transacted this affair for Mr. Sawbridge, and that the said 28,000*l.* South Sea stock, was sold, or disposed of by him or Joseph Stokes, upon the 10th of June, 1720, or a day or two before, together with another sum of 1,000*l.* South Sea stock, at several prices, amounting in the whole to 180,280*l.* which sum he actually paid and answered to Jacob Sawbridge, esq. upon the 10th or 11th of June, 1720, who caused the said stock to be transferred accordingly; thereupon your Committee proceeded to enquire into the time and manner of payment for this stock unto Mr. Charles Stanhope, and inspecting the several other books of Turner and company, mentioned in the appendix, called the note book, the cash note book, the drawing ledger, and the cash note ledger, wherein the account of all notes issued and paid by Turner and company are duly entered, it appeared by the note book, letter F, fol. 100, and by the cash note ledger, letter A, fol. 289, and 299, that upon the 11th of June, 1720, one cash note of the said Turner and company was regularly made out for 202,230*l.* payable to the said Mr. Charles Stanhope, and another cash note of Turner and company was also regularly made out the same day for 47,770*l.* payable to Mr. Charles Stanhope, which last note in the note book, letter F, fol. 100, is entered, Robert Surman; both which notes were regularly entered, paid, and satisfied, unto Mr. Charles Stanhope, by Turner and company, upon the 12th of December, 1720, in the note book of Turner and company, letter G, fol. 70, and their cash note ledger, letter H, fol. 77, and by another book of Turner and company, called the drawing cash ledger, letter I, fol. 758, it appears, that upon the said 11th day of June, 1720, when the said notes were issued, the sum of 47,770*l.* being the contents of one of the said notes, was charged to the account of Mr. Robert Surman, deputy cashier of the South Sea Company, as paid that day out of the cash kept by Turner and company, unto the order of the said Robert Surman; Robert Surman being examined thereunto, upon inspection of cash-draughts kept by Turner and company, in his name, wherein it appears, that he is charged with the aforesaid sum of 47,770*l.* paid by Turner and company, the 11th of June, 1720, out of the cash kept with them, by Mr Knight, as cashier of the South Sea Company, and for which Surman was accountable to Knight, did verily believe, that the said sum, accordingly paid by them, by order of Mr Knight, was given to the examinant out of the said cash, and was no part of the examinant's proper cash.

Your Committee in this place observe, that the two sums of 202,230*l.* and 47,770*l.* amount to 250,000*l.* which being added to the 125,000*l* the supposed price of the said 50,000*l.* stock, amounts to the whole sum charged in the said stock ledger, viz 375,000*l.* as the produce of the said stock upon the 11th of June, 1720, and deducting out of the 375,000*l.* the sum of 125,000*l.* for the prime cost of the said stock, there remains a clear difference of 250,000*l.* accruing to the person for whose benefit the 50,000*l.* stock was charged, as sold in the Company's cash book, which is the exact amount of the said two cash notes, made payable to Charles Stanhope, esq. and accordingly entered, paid, and satisfied unto him, the 12th of December, 1720.

In confirmation of which payment, it appears to your Committee by the drawing cash-ledger, letter K, now kept by Turner, Caswall, and Sawbridge, in a new co-partnership with Mr. Henry Blunt, son of sir John Blunt, and Mr. Robieson Knight, nephew of Mr. Robert Knight, which commenced the 25th of June, 1720, fol. 513 and 570, in an account kept between Turner, Caswall and Sawbridge, and

the new co-partners, that the said 250,000*l.* was entered paid in discharge of the two notes upon the 12th of December, 1720, and placed to the account of money disbursed upon the separate account of Turner, Caswall and Sawbridge, out of their separate cash actually paid into the hands of the new co-partners, upon the 25th of June, 1720, amounting in real cash into the sum of 1,166,875*l.* 4*s.* 1*d.* out of which the 250,000*l.* are accordingly set off in discharge of the new co-partners.

Your Committee examined John Mount and John Maddy, cashier to Turner and company, as well before as since the new co-partnership, Richard Fenton their book-keeper, and also Jacob Sawbridge, jun. son of Jacob Sawbridge, esq. the said Robinson Knight and Henry Blunt, who, before the 25th of June, 1720, were assistants in the office of Turner and company, relating to the several books and entries, and to the transactions therein contained; and John Mount, John Maddy, and Richard Fenton declared, that they verily believed, that all the said accounts and entries of receipts and payments, and of issuing and paying notes, were true; and that the respective sums mentioned therein to have been received and paid, were really received and paid; and that the notes therein mentioned to have been issued, and paid, were actually issued and paid according to the import of the several entries; and that those two notes for 202,230*l.* and 47,770*l.* were actually issued, payable to Mr. Charles Stanhope, upon the 11th of June, 1720, in the usual and regular manner; the note for the 202,230*l.* being entered and filled up by the said Henry Blunt, and the other note for 47,770*l.* being entered and filled up by Jacob Sawbridge, jun. by the direction of Jacob Sawbridge, esq. and both the said notes, signed by Robinson Knight, then entrusted by Turner and company to sign notes for them, as Jacob Sawbridge, jun. Robinson Knight, and Henry Blunt did acknowledge; and that Turner and company, did thereby become chargeable with the payment of the money mentioned in the two notes, which were actually paid and satisfied upon the 12th of December, 1720, according to the entries thereof, made in the same books out of the cash, amounting to 1,166,875*l.* 4*s.* 1*d.* really paid and answered by Turner, Caswall and Sawbridge, into the new co-partnership, which Henry Blunt and Robinson Knight, the new co-partners, did likewise confess, and that the two notes being then discharged, were delivered up to Turner and company.

The Committee observing, that in the stock-ledger, book (A) and (B), the name as it now stands at the head of accounts there, and also in the accounts in the said book-ledger, letter (B) fol. 7, is 'Stangape,' although in the alphabets or indexes of the said books, referring to the true folios, the name still remains 'Stanhope,' and also that in the said general or clearing book, the name now appearing to the account of the said 50,000*l.* stock, is 'Stangape,' and that the said books had been razed, and the letters altered; did examine Jacob Sawbridge, esq. and Daniel Watkins, one of the clerks of Turner and company, upon the fact. Mr. Sawbridge acknowledged that the name at first entered in the said books was 'Stanhope,' and said it was entered in a fictitious name, that their servants might not know of it; that he gave directions to Daniel Watkins, about two months past, to make the several razures and alterations in the sir-name, and to turn it into 'Stangape,' but owned, that his name referred to the name 'Stanhope,' mentioned in the alphabets and in the other books, and that it meant the same person.

Being asked whether there was any other fictitious name made use of in the books of Turner and company, besides the name Charles Stanhope or Stangape, esq. he said, that there was no other fictitious name in the whole book, to his knowledge.

Daniel Watkins being thereupon sent for, and examined, did declare, that about the 14th day of December last, he made the several razures and alterations in the name 'Stanhope,' which was the name he had first wrote down in the books and altered the same to 'Stangape,' as it now appears, by the direction of sir George Caswall, who then told the examinant, that it was an anonymous name (as the examinant expressed it) and that it ought to have been 'Stangape' at first; that Mr. Sawbridge was not present at that time, and believed Mr. Sawbridge did not know of it till afterwards; but Watkins likewise owned that there is no other fictitious name in any of the said books.

Mr. *Jacob Sawbridge* attending in a room next adjoining, was called in again, after Watkins was withdrawn, and did then say, that upon recollecting himself, he desired sir George Caswall to give directions for the alterations.

But Mr. Robert Surman (who was well acquainted with Turner and company, and had about two years since been a clerk to them) and the present cashiers and clerks of Turner and company, viz. John Maddy, John Mount, and Richard Feeton, did all of them declare, upon their examinations, that they never knew nor heard of any fictitious name made use of by Turner and company, in any of their books, and John Maddy, one of the cashiers, said, that in the nature of the affair, fictitious names could not be made use of.

Your committee thinking it might be of use to have a sight of the notes themselves, ordered John Maddy to search for them in the proper place, and to bring them before your committee, who being returned, acquainted them, that he had searched the files, kept for that purpose, at the office of Turner and company, and although he had found other notes, which were entered to be paid on the same 12th of December last, and upon other days before and after that day, preserved as usual upon the file, yet he could find neither of the said two notes; and that enquiring of Daniel Watkins, what was become of the said notes, he was informed

by him, that he well remembered, that when he entered these two notes, paid the 12th of December last, he took them up and cancelled them, and that they being much worn by having been carried in a pocket, he had destroyed them. The examinant said farther, that he did not know or remember that any other notes delivered up, had been destroyed; but that the method observed in their business, had been to tear off the name of the person signing them, and to preserve the notes upon a file kept for that purpose in the office of Turner and company.

Daniel Watkins being thereupon examined, confessed, that the said two notes were delivered up to him, upon the 12th day of December 1720, by Jacob Sawbridge, esq. and that after he had examined them with the books, and found them to be of the same numbers, dates, and sums, with such two notes then outstanding, he on the same 12th of December cancelled and destroyed them, and believed he burnt them, but had no direction so to do, his order from Jacob Sawbridge, esq being to discharge them in the books, and that the only reason for his destroying them, was, because the files being removed out of their usual places, he could not find the proper files, whereon these notes ought to have been put, and also believing that no other person had any property or interest therein, besides Turner, Caswell, and Sawbridge, to whose proper account he then had placed them.

Being asked, if he ever had destroyed any other notes, delivered up to Turner and company, upon payment thereof; he answered, that he could not remember that he had ever destroyed any other note, so delivered up; but that other notes, after they were so delivered, have been preserved upon files.

Henry Blunt said, that the note for 202,230*l.* was filled up by himself, and being signed by Robinson Knight, was delivered to Jacob Sawbridge, esq. who immediately cancelled the said note, by tearing off the name of Robinson Knight, fearing (as the examinant supposed) that he might lose it, and then put the said cancelled note in his pocket, but the examinant did not know the reason of Mr. Sawbridge so tearing such notes.

Your committee hereupon cannot but observe the dangerous consequence of such extraordinary acts of razing and altering the name of a gentleman of distinction, in books belonging to a society of bankers and in an article of so very great value, and of the destroying these two notes, from the inspection whereof, more full, and more direct evidence might have been had before this House, especially considering that both these facts were committed after an enquiry into the proceedings of the directors of the South-Sea Company was begun by this House, and the razure made in the account of books of stock was about the same time, when the general account of stock sold by the South-Sea Company was delivered into this House, and when the subsequent order of this House, of the 17th of December last, was made, that the directors of the said Company should lay before this House a particular account of the said 574,500*l.* stock, sold by the said Company, with the respective prices and parcels, and the persons by whom it was sold; and by whom, and to whom transferred.

Your committee further observe, that Daniel Watkins upon his first examination, did not mention any thing concerning the property of this 50,000*l.* stock, although his examination did naturally lead thereunto; but upon his subsequent examination on another day, he said, he believed this 50,000*l.* stock was bought by Turner and company, or one of them, of the South-Sea Company, or of Mr Knight, for their proper account, and directed to be entered in Mr. Stanhope's name, to prevent their servants knowing that it was their own stock; but being asked what reason he had for such his belief, he only answered, because he was ordered by Mr. Sawbridge, upon the 12th of December last, to place these notes to the proper account of Turner and company, and that from the nature of the account, and from Mr. Turner insisting to have credit for the 11,000*l.* South Sea Stock from the co-partnership, which he could not otherwise have, and from all the circumstances he had any knowledge of, he could not find that any other person had any property therein

Mr. Robert Surman said, he remembered, that there was 50,000*l* (which, he believed, was part of the 68,000*l*) stock, mentioned in the cash-book to be sold the 21st of March, 1719, at 250*l.* per cent. sold to Turner and company; and before it was adjusted, sir George Caswell acquainted him with it, and left with him a cash-note for 125,000*l.* to be delivered to Mr. Knight, saying Mr. Knight knew what it meant, and soon afterwards, the stock was adjusted between Mr. Knight and sir George Caswall, and the examinant delivered the said note to Mr Knight, and had, after that time, seen such cash note in Mr. Knight's custody, but did not remember any thing of the payment of the said note.

Being shewn the entries before-mentioned, in the stock-ledgers, letter (A) and (B), and the general or clearing-book, letter (C), he said those entries imported Turner and company, their paying to the person therein named (Stanhope or Stangape) the money therein mentioned, the examinant having formerly been clerk to Turner and company, and negociating their stock for them: He said moreover, he never knew or heard of the name (Stangape) till after Mr. Sawbridge's examination, but knows Charles Stanhope, esq. of the treasury; and that about six, eight, or nine months before his examination, (which was upon the 14th of January last) he had frequently seen him at the South-Sea house, and that he saw him there near two months past, and not since, at which several times, Mr Stanhope and Mr. Knight were writing together, and seemed to be settling accounts.

Upon Saturday the 21st day of January last, before noon, your committee sent for Mr. Robert Knight the cashier, to examine him particularly about this disposition of stock in the Company's cash-book, who said, that this 50,000*l.* was part of the 68,000*l.* stock, charged in the cash-book to be sold the 21st of March 1719, at 250*l.* per cent that about that time he was ordered by the sub and deputy-governors, Mr. Gibbon, Mr. Chester, Mr Holditch, and sir John Blunt, to deliver this stock to Turner and company for their own use, (as he believed) and that about the latter end of May, 1720, (as he remembered) it was delivered to them, by an adjustment of stock made with them, and that he received the whole money of them, for such stock, at the price of 250*l.* per cent He owned there was no agreement in writing made, nor any time limited, when the stock should be delivered, because the Company had not the stock at that time, but Turner and company might call for it when the price was advanced to 750*l.* per cent. upon paying 125,000*l.* and thereupon the stock was to be delivered without making any allowance to the Company for forbearance of payment. That Elias Turner, sir George Caswall, and Jacob Sawbridge, were obliged in honour to pay the money, and to stand to the loss, if the stock had fallen, but that stock continued to rise, and was never under 250*l.* per cent. after this bargain.

Your Committee proceeding to examine Mr. Knight farther, concerning the disposal of the stock entered in the cash book in blank; and enquiring of him, from whence the account of stock then prepared by him, and intended to be laid before this House, was taken; he answered, That before he entered this stock in the cash book, he shewed the Sub and Deputy Governors, sir John Blunt, Mr. Gibbon, Mr Chester, and Mr. Holditch, upon a paper, the method in which he proposed to enter it, and had their approbation thereof, and in that paper, the several names of the persons who were to have the benefit of this stock were mentioned. That he disposed of about half of that stock, and put down the names of the persons to whom it was disposed of, and that the Sub and Deputy Governors disposed of some, and Mr. Gibbon, Mr. Chester, and sir John Blunt disposed of other parts, and gave him the names of the several persons to whom it was disposed of by them; that he had not seen that paper for about six months, but made up an account of this stock to be laid before the House, with the particular names, from his memory, and some letters, and by enquiry from several of the directors, brokers, and clerks, and that the 50,000*l.* stock to Turner and company was part of the stock which the directors disposed of. That the cash book was passed in blank by the Committee, and he believed that no objection was made to it, nor any such reason given, as that the persons names were not proper to be made public at that time; and denied that he said, that if the bill passed, the stock would be well disposed of; but owned, that he did not think it proper to enter the names of the members of parliament who had any part of this stock in the cash book; and that it was the general opinion of the gentlemen then present, that it was not proper the names should be mentioned, and he said, that such members did not know that it was the Company's stock; that the names of all the members of parliament, who had part of this stock, are not set down in this account framed by him, because he was not certain who the persons were; that it was declared by the directors, that the Sub and Deputy Governors should have the care of the scheme, with a liberty of taking to their assistance such others of the directors as they should think fit

Mr. *Knight* being here pressed to produce his letters and papers, and to declare more particularly, what he knew of the disposition of this stock, desired leave to attend the House of Peers, according to their order, the time appointed being come, and not having his papers in readiness then. Your Committee intending to proceed farther in his examination on the Monday following, and to give him time to collect his papers and accounts, did thereupon permit him to go to Westminster; but Mr Knight withdrawing himself that Saturday evening, prevented any discovery of this important affair from his farther examination.

Your Committee farther represent, that they have discovered great dealings in South-Sea stock by John Aislabie, esq with one broker, Matthew Weymondsold, and which account is annexed to this report, No III.

And your Committee finding that Turner, Caswall, and company, had great transactions with the South-Sea Company, upon farther inspection of their books, among other remarkable passages in the said books, they found very great sums of money received by Turner and company, for the account of Edmund Waller, esq (son-in-law of John Aislabie, esq. late Chancellor of the Exchequer) and paid out to him, or his order, between the 28th day of March last, and the 21st day of November following, amounting to 794,451*l.* 15*s.* 9*d* and your Committee also found a considerable quantity of South-Sea stock bought and sold in the name of the said Mr. Waller; and in the general accounts of stock of Turner and company, it appears, that there was a balance of 77,600*l.* due to the said Mr. Waller from Turner and company; for securing which sum, Turner and company entered into bonds the 26th of November last, for 12 months, from the 24th of September then past; that is to say, one bond for 44,600*l.* to the said Edmund Waller, and one other bond to Thomas Weddell, esq. for 33,000*l.* Whereupon your Committee ordered Mr. Waller, and Mr Weddell, to attend them; but they have not, as yet, had an opportunity of examining Mr. Waller, by reason of his indisposition; but Mr. Weddell attending your Committee was examined, and did inform them, that about the end of October, or beginning of November last, Mr. Wal-

ler desired him to take in 10,000*l.* South-Sea stock for him, and in three days afterwards told him, he had accordingly transferred it to the examinant, and desired him to go to Turner and company, and gave them a defeazance for transferring that stock upon their paying 33,000*l.* That the examinant did accordingly accept a transfer of the said 10,000*l* stock from Mr. Waller, and gave a defeazance for transferring that stock to Turner and company, who gave the examinant their bond for payment of the said 33,000*l.* That Mr. Waller acquainted the examinant, that this was in trust for John Aislabie, esq. and he was afterwards told so by Mr. Aislabie himself, and says, that he has Turner and company's bond for the said 33,000*l.* which is the proper money of Mr. Aislabie; but Mr. Waller's indisposition has prevented your Committee from laying before the House in this report, a more full account relating to the sum of 794,451*l.* 15*s.* 9*d.* before-mentioned.

Here your committee must observe, that in the account of stock sold, laid before this House, they found the names of several members of this House and of the House of Peers, not concerned in the administration, or in the management of the public revenue, whose cases your committee could not particularly examine, but must wait for the consideration and direction of the House, in what manner each examination shall proceed. In the mean time, your committee think it proper to acquaint the House, with divers practices made use of to raise the nominal value of South-Sea stock, to that extravagant rate to which it was afterwards advanced, above the real and intrinsic value thereof

Your committee find, that by computation made by direction of your committee it appears, that the directors of the South-Sea Company, might have raised the whole sum stipulated for the public, with a profit of near one million and an half for the benefit of the proprietors of the old stock, without setting their stock to sale at any higher price than 150*l.* per cent.

That after the said directors had taken in the first money-subscription at 300*l.* per cent. and the second money-subscription at 400*l.* per cent. and the first subscription of the long and short annuities at 375*l.* per cent. the value of 100*l.* South-Sea stock was but 120*l.* or thereabouts, supposing the whole money of the said first and second subscriptions (amounting to 12,750,000*l.*) had been all paid in.

That the said court of directors did afterwards proceed to take in a third and fourth money-subscription at the rate of 1,000*l.* per cent. and a second subscription of the long and short annuities, and a subscription of the redeemable debts at the rate of 800*l.* per cent. after which the value of 100*l.* South-Sea stock was but 332*l.* or thereabouts, supposing the whole money of the said four money-subscriptions (amounting to 63,750,000*l.*) had been all paid in.

That if all the remaining public debts had been taken in, and all the remaining stocks of the Company sold, on the terms which the said directors pretended to expect, 100*l.* South-Sea stock would have been worth but 54*7l.* or thereabouts, supposing the money of the said four subscriptions, and the money for the remaining stock, (which together would have amounted to 205,039,401*l.*) had been all paid in.

That on the 30th day of August last, the court of directors of the South-Sea Company came to a resolution (which on the 8th day of September last was confirmed by a general court) to declare a dividend of 50*l.* per cent. to be made at Christmas, 1720, and of not less than 50*l.* per cent. per ann. for not less than 12 years to come from that time.

That soon after this Resolution, (viz. at a general court held the 20th day of September last) the sub-governor acquainted the general court, that the affairs of the court, in relation to the price of their stock, and subscriptions, had taken an unexpected turn, and thereupon proposed their giving a power to the court of directors to relieve the last subscribers of the public debts, and the proprietors of the two last money-subscriptions, which was accordingly granted; and at a court of directors held the 29th day of September last, it was resolved, that the said subscribers should have the same terms with the Bank, viz. that their subscriptions should be reduced from 1,000*l.* and 800*l.* per cent. to 400*l* and that they should also have the benefit of the Midsummer dividend of 10*l.* per cent which was accordingly confirmed by a general court held the 30th day of the same month; upon which your committee observe that it appears to them very extraordinary that the directors on the 8th day of September (when the said high dividend was declared in a general court) should have had no foresight of the turn which so soon after (viz. on the 20th day of the same month) happened in their affairs.

That on the said 8th day of September, the sub-governor acquainted the general court, that their directors had been unanimous in all their proceedings, which among other things, includes the before-mentioned several subscriptions by them taken in, except the first; and upon the examination of the directors it doth not appear to your committee that any one of them protested against, or declared any public dissent from any of the said proceedings: and it appears that all of them took their shares and proportions of the subscriptions, which were allotted for the respective directors to dispose of.

And your committee have been informed by sir Theodore Janssen, that there was a meeting at the house of sir John Fellows, between sixteen of the court of directors, Mr. Secretary Craggs, and Mr. Aislabie, at which time it was proposed, that a subscription should be taken in at 300*l.* per cent. which was approved of by Mr. Secretary Craggs, and Mr. Aislabie; and that, when the said company broke up, it was agreed, that every person should use their best endeavours to promote it; which is also con-

firmed by the information of sir Lambert Blackwell.

And at a court of directors, held the 18th day of April last, it was resolved, to take in a subscription for two millions, at the rate of 300*l.* per cent. but the same was afterwards increased, without any previous resolution to that purpose, to 2,250,000*l.* and your committee observe that the imaginary value of the said subscriptions rose very fast, and that those who had the benefit of the said additional subscription, if they sold, and disposed of the same, made very great gains thereby.

That at a court of directors held the 28th day of April last, it was resolved to take in a second money-subscription, at the rate of 400*l.* per cent. for 1,000,000*l.* but by the accounts delivered into this House, it appears, that the said subscription was for 1,500,000*l.* yet it does not appear that there was any previous Resolution of the court of directors for the addition of 500,000*l.* nor was the said addition declared till the 8th of September last, at which time the sub-governor acquainted the general court therewith; upon which your committee cannot but observe the great distance of time between the taking in of the second subscription at 1,000,000*l.* and the 8th of September, when the same was reported to the general court at 1,500,000*l.* during which interval the imaginary value of that subscription was excessively increased, whereby the persons who had the same, had the advantage of that extraordinary rise.

That at a court of directors, held the 15th day of June last, it was resolved to take in a third money-subscription at the rate of 1,000*l.* per cent. one tenth part whereof was to be paid down at the time of subscription; and at a court of directors held the 23d day of the same month, the sub-governor acquainted the court, that the said third money subscription was completed, without mentioning to what sum: but at the before-mentioned general court, held the 8th day of September last, he declared the same to be for five millions; and Mr. Knight, late cashier of the South Sea Company, by an article dated the 20th day of June last, in the cash-book, fol 125, charges the said sum of five millions as received; which account was passed, and allowed by the Company's committee of treasury, on, or some time after, the 4th day of August last; and yet in the account of the third money-subscription delivered into this House, it is stated at 4,400,000*l.* only, the remaining sum of 600,000*l* being entered on the credit side of the said cash-book on the 19th of December, 1720, as a supposed deficiency of the payment on this subscription; although it appears to your committee upon the evidence of Mr. Lockyer and others, that not only the whole sum of five millions, but even a considerable exceeding thereon was paid in; that a great deal of money was repaid back to reduce the subscription to five millions; and that they had money enough paid in for near eight millions.

That at a court of directors, held the 12th day of August last, it was resolved to take in a fourth money-subscription for one million, at the rate of 1,000*l.* per cent. And at a court of directors, held the 25th of the same month, it was declared, that upon casting up the books, it was found the said fourth money-subscription, instead of one million, was increased to 1,250,000*l.* which was occasioned by taking the said subscription in several books; and at the before-mentioned general court, held the 8th day of September last, the sub-governor declared the fourth money-subscription was completed to 1,250,000*l.* and Mr. Knight the cashier hath, in an article dated the 30th day of August last, and entered in the cash-book, fol. 128, given the Company credit for the first payment, made on the 4th subscription, viz. for 2,500,000*l.* which account was passed, and allowed by the committee of treasury, on the 4th day of October last; and yet in the account of the said fourth money subscription delivered into this House, it is stated at 1,200,000*l* only: That upon the examination of Mr. Knight, and several of the directors, in relation to the deficiency of the said third and fourth money-subscriptions, their answers were very unsatisfactory: And your committee cannot but observe, that as by the before-mentioned additions to the first two money-subscriptions, some persons made great gains, whilst the price of the said subscriptions continued high, so when the price of the subscriptions fell, many other persons were favoured, by having their subscriptions withdrawn, which was the cause of the deficiency.

That on the second money-subscription each director was allowed for himself and friends, 26,000*l* and that the remainder of the million at first resolved to be taken in, was at the disposal of the sub and deputy governors; but for whose benefit the additional subscription of 500,000*l.* was intended, your committee have not yet been able to discover.

That on the third money-subscription each director was allowed 54,000*l.* for himself and friends, and that several large lists of the names of persons were sent to the sub-governor, to be admitted into the said third subscription; viz. by the earl of Sunderland, first lord commissioner of the treasury, a list amounting to 167,000*l.* By John Aislabie, esq. late chancellor of the exchequer, another of the lords of the treasury, a list amounting to 75,300*l.* By James Craggs, esq. one of his majesty's principal secretaries of state, two lists, amounting to 695,000*l.* and by Charles Stanhope, esq. one of the secretaries of the treasury, a list amounting to 49,700*l.* which four last mentioned lists amount to 987,000*l.*

That upon examination, it appears, that other lists have been given in, as well on the third as on the second subscription; but the same being lost or mislaid, as your committee have been informed, they are thereby disabled at present, from making any report thereon.

They find 25,000*l.* of the second subscrip-

tion hath been given unto John Aislabie, esq. about eight or ten days after the opening of that subscription, at which time the subscriptions were at an advanced price, of about 40*l.* per cent. and soon after rose vastly higher.

That it doth not appear to your committee that any of the persons, who had the honour to serve his majesty in the treasury, or any other part of the administration, used any endeavours to prevent the directors of the South-Sea Company from taking in subscriptions at the aforesaid extravagant prices; but, on the contrary, it doth appear, that some of them, by the loan they gave in aforesaid, did not only encourage and promote the said subscriptions, but did greatly enlarge the same.

Your committee observing that sir John Fellows, late sub governor of the South-Sea Company, did at a general court of the said Company, held the 21st day of April, 1720, acquaint that court, that the design of the government's million of Exchequer bills to be lent to the Company, by virtue of the late act of parliament for issuing Exchequer bills, to be circulated at or near the Exchequer, was to enable the Company to lend money upon their stock; and finding that by order of the court of directors of the said Company the same had been so lent out, your committee proceeded to enquire into this affair.

And on examination of Mr. Robert Knight, late cashier of the said Company, he declared, that he did not remember that any application was made by the directors to have those bills issued; but that the first discourse of this matter was by John Aislabie, esq. then chancellor of the exchequer, a week before the proposals of the South-Sea Company were offered to this House; that Mr. Aislabie said, it would be more acceptable to have those bills circulated at the Exchequer, than to send them to the Bank or elsewhere, and that the company might afford to circulate them for nothing, they being to be lent to the Company to enable them to execute their scheme. That the examinant believed, the intention of lending the said bills upon stock, had been communicated to Mr. Aislabie, (and that he the examinant) on his attending at the treasury to solicit the issuing of these bills, did mention that design, and never heard that the treasury disapproved of it.

That sir *John Blunt* declared, it would be better to employ those bills in the lending upon stock, than in paying off the redeemables, which would take up more time.

Hereupon your committee examining sir John Fellows, he said, that he and others of the directors treated with Mr. Aislabie and others at the treasury, about the issuing the said Exchequer bills; but that it was first proposed to Mr. Aislabie, and the examinant believed, it was at first mentioned by sir John Blunt, in a committee of the directors, and that it was the general opinion of the directors.

Your committee examining sir John Blunt upon this transaction, he declared, that he spoke to Mr. Aislabie to hasten the issuing of the said bills; and that himself, or some other of the directors acquainted Mr. Aislabie, as he believes at the treasury, with the Company's design to lend them upon stock; that it did not, at first, arise from the directors, but that it was intimated to them before, or very soon after the Company's proposals were laid before the House, by some of the treasury, and on recollection, the examinant said it was by Mr. Aislabie, to enable the Company to carry on their scheme, and thereby to raise the price of their stock, the borrowers being enabled to buy stock.

That by the book of loans delivered into this House, it appears that the sum of 9,039,936*l.* 11*s.* was lent to several persons on the security of 2,563,117*l.* 17*s.* 5*d.* stock: and that the farther sum of 2,219,089*l.* was lent on the security of 773,600*l.* subscription-receipts; the money so lent, and still remaining due, amounting in the whole to the sum of 11,259,025*l.* 11*s.*

That by several resolutions of the court of directors of the 21st of April, the 20th of May, and the 9th of June last, for three several loans, it appears, that the sum resolved by them to be lent on stock from the 21st of April, to the 21st of May, was limited to 500,000*l.* in the whole, and that not more than 5,000*l.* should be lent to any one person, and such loan to be only at the rate of 250*l.* on 100*l.* stock; that from the 20th of May to the 9th of June, the rule of lending was at the rate of 300*l.* on 100*l.* stock, and that not more than 3,000*l.* should be lent to any one person; and from the 9th of June, the rule of lending was at 400*l.* on 100*l.* stock, and that not more than 4,000*l.* should be lent to any one person.

That on examination of the book of loans, it appears, that on the first loan, the rules of lending were greatly exceeded, viz. That there was lent in the whole 943,631*l.* more than the sum of 500,000*l.* to which the said loan was confined. That the excess above 250*l.* on 100*l.* stock, amounts to 316,740*l.* and the excess above 5,000*l.* to one person, amounts in the whole to 779,231*l.* That on the second loan the excess above the rate of 300*l.* on 100*l.* stock amounts to 30,750*l.* and the excess above 3,000*l.* to one person, amounts in the whole to 169,082*l.* And that on the third loan, the excess above 400*l.* on 100*l.* stock amounts to 59,413*l.* and the excess above the rate of 4,000*l.* to one person, amounts in the whole, to 1,447,677*l.* For the particulars of all which, your committee refer to the book marked No. 4, in which the same are distinctly expressed, and the resolutions of the general court, and court of directors, in relation to loans, are transcribed.

That your committee do not find any resolution, either of a general court, or a court of directors, for lending money on subscription-receipts; but by the examinations which they have taken, it appears that Mr. Knight, the late cashier of the South-Sea Company, and his under cashier and clerks, by his directions,

did lend money on the subscription-receipts, by verbal orders from the directors of the said company, and under colour of an order of a general court, made the 21st of April 1720, to empower the court of directors from time to time, as they shall see for the interest of the company, to lend any sum or sums of the company's money, on the company's present, and to be increased, capital stock; and to do all such matters and things, as they should judge most for the good of the company.

But your committee find, that by the second by-law of the said company, relating to the keeping the cash of the company, it was ordained, that the cash of the corporation should from time to time be kept under three several locks, with different wards, the keys of which to be kept, one by the cashier, and the other two by such of the governor, sub-governor, deputy-governor, or directors, as the said court should from time to time appoint, except such sum or sums as the court of directors should think necessary to let remain in the custody of the cashier; and no money relating to the trade or affairs of the said company should be disposed of, without an order of the said court of directors; and that the interest and all other advantages, arising and growing upon the cash of the said company, should be brought to the account of the said company. However, it appears that the said loans on subscriptions were generally known, and never objected against, by any of the directors in a general court, or in any court of directors.

That on the said loans on stock, the stock was transferred to persons for that purpose nominated, in the same manner as if the same had been absolutely sold, without any defeazance on the part of the company, or of the persons to whom the stock was transferred, for re-transferring the same, on repayment of the money, nor was any covenant or other security taken, for repayment from the borrowers, except the stock so transferred; nor doth there appear any distinction between the said transfers on loans, and the other transfers, which were made of stock absolutely purchased, on account of the company; upon which your committee observe, that it was in the power of the persons to whom the said pawned stock was transferred, to dispose thereof at any time, as they thought fit, when the price of stock was high, and to replace the same when it fell.

And your Committee do find, that on the 19th day of October last, the said Mr. Knight, to whom the said pawned stock was transferred, did, pursuant to an order of the Court of Directors, transfer stock to the amount of 3,141,867*l.* 17*s.* 5*d.* to sir Harcourt Masters, col. Hugh Raymond, Edward Gibbon, and John Gore, trustees, for that purpose, nominated by the Court of Directors, in whose names the same now remains; but the sum is 421,250*l.* short of the aforesaid sum of 2,563,117*l.* 17*s.* 5*d.* which is mentioned in the said book of loans, to have been pledged for the security of the repayment of the aforesaid sum of 9,039,936*l.* 11*s.* from which it is evident, that the said sum of 421,250*l.* of the stock mortgaged or pawned on loans, as aforesaid, has been sold, or otherwise disposed of, by the trustees, or agents of the South Sea Company; and till replaced, cannot be re-transferred to those, by whom the same was pawned or mortgaged: Upon which your Committee observe, how easy it was for the trustees of the company to have sold the said stock when it was at high prices, and to have replaced the same again when it fell; for on examination it appears, that there was no distinct and separate account kept of the said mortgaged and pawned stock, nor was the same any ways distinguished from the other stock of those persons, to whom it was at first transferred.

That as to the said sum of 2,219,087*l.* lent on 773,600*l.* subscription receipts, it appears by the aforesaid book of loans, that the general rule of lending was at the rate of 300*l.* on 100 subscription receipts; but excluding from the said loans on subscriptions the two great loans, the one to the million-bank, and the other to Turner and company, the loans, to the other borrowers, will at an average come out above 300 per cent. It appears that on the first subscription receipts, at the time of the said lending, there was paid in only from 90*l.* to 120*l.* per cent. and on the second subscription receipts generally 40*l.* and on some few 30*l.* per cent. but how much more there hath been paid in since, or whether all the said subscription receipts, on which money was lent, be now remaining in the custody of any person for the security of the company, your Committee cannot at present discover; the receipts not having been as yet produced to them.

That it appears that Turner and company were employed by the directors, to lend out 500,000*l.* on subscription receipts, and that they accordingly lent 150,000*l.* on such receipts, after the rate of 190*l.* per cent. on the first subscription, and 40*l.* per cent. on the second. But such rates being by the said directors thought too low, the said Turner and company were ordered to proceed no farther in disposing of the remaining part of the said 500,000*l.* and were told at the same time, that by lending at such low rates on subscriptions, they were ruining the stock. And it also appears, that Mr. Knight did issue a considerable sum to be disposed of by brokers, for the refusal of South Sea stock at certain times, at very high prices; and likewise, that on the declension of the price of the stock, large sums were issued to purchase stock on account of the company, at very high prices; and part of the stock then bought, appears to have belonged to some of the directors of the said company: and although your Committee are not yet prepared to set this matter in a full light, they cannot but observe, that the said directors, in all their proceedings in the execution of their scheme, appear to have had chiefly in view the raising and supporting the imaginary value of the stock, at an extravagant and high price, for

the benefit of themselves, and whose who were in the secret with them.

That as to the aforesaid loans on subscription receipts, it appears, there were no defeazances executed by those with whom the receipts were deposited, for a re-delivery of the same, on repayment of the money, nor any security given by the borrowers, besides the receipts by them so delivered; nor doth any thing else appear to distinguish the receipts so pledged, from such receipts as were, or might have been, absolutely sold to the company; for all the said receipts were made out in one name, viz. Joseph Safford, and by his indorsement the bearer became intitled to the property thereof; upon which your Committee observe, the security of the company, as to the money lent on the said subscription receipts, is more precarious than the loans on stock; for by the transfer book it might appear by whom such stock was transferred; but it hath not yet appeared to your Committee that any books have been kept, or entries made, of the names of the persons to whom such loans have been made on subscription receipts: and your Committee do farther observe, that it was in the power of the persons, with whom such subscription receipts were deposited, to sell the same at high prices, and to replace them again when the price fell. And upon the whole it doth appear to your Committee that the said loans on stock and on subscriptions here been managed with the utmost negligence, with respect to the interest of the company, and were contrived for the raising and keeping up the price of stock at an extravagant height.

Before your Committee conclude this report, they think it proper to observe, that it has appeared to them throughout their examination, that Mr. Knight, cashier of the South Sea Company, was principally concerned in their most secret transactions. And your Committee have been informed by sir Theodore Janssen, soon after Mr Knight's withdrawing himself, that upon his pressing Mr. Knight, two or three days before he went away, to make a discovery of whatsoever he knew relating to the whole proceedings; Mr Knight answered, that if he should disclose all he knew, it would open such a scene as the world would be surprized at.

Your Committee having made this progress in their enquiry, have thought themselves obliged to lay this report before the House; and will proceed in their farther examination of the matters referred to them, with the utmost diligence.

To this First Report was annexed an Appendix, the most material parts of which are, as follow.

At folio 121.—March 30, 1720. To South-Sea stock, for 15,000*l.* sold 305, to answer the 1700*l.* per annum on the other side,—45,750*l.*

Note, The 1700*l.* on the credit side, is thus entered. By annuities for 99 years bought of the duke of Portland, lord de la Warr, and the honourable John West, esq.; 1700*l.* per ann. at 27 years, 45,000*l.* with interest from Christmas to Lady-day, 425*l.* the same being subscribed into the capital stock of the South-Sea company, in the name of Robert Surman, in trust for the company.

Appendix No. II.

In the stock ledger, book F. commencing the 25th of December, 1719.

A

Charles Stangape, esq; Debtor.

Fol 99. 1720.—June 11th. To cash, for 22,000 South-Sea, to R. Knight and R. Surman's order	202,230
To ditto 28,000 ditto to J. Stokes's account	172,770
(50,000*l.*)	£ 375,000

A

Per Contra Creditor. 1720.

June 24. By balance for . . . South-Sea, carried to No. G. Fol. 62.	50,000
	£. 375,000

In the stock ledger, G. commencing the 24th of June, 1720.

B

Charles Stangape, esq.; Debtor.

62.—1720, June 24. To balance on 50,000*l* South-sea, from T.C. and Co. Fo. 99,—375,000*l.*

B

Per Contra Creditor. 1720.

Nov. 4. By J. Sawbridge and Co. for 55,000*l.* South-sea to their account, Fo 7,—375,000*l.*

Aug. 20. To Midsummer dividend 5,000*l.* ditto —55,000*l.*

John Maddy, cashier to Turner and company, said that the entries in the general, or clearing book, letter C. at fol. 110, viz.

2000 South-sea to Robert Surman, debit full note, 27 April.

40,000 ditto to R. Knight, full note 4th of June.

10,000 ditto to ditto, full 49,000, note 18 April,

did import, that the person named there Charles Stangape, did deliver to Turner and company, the several notes of Robert Surman and Robert Knight, for the delivery of those respective parcels of South-sea stock to him, which notes Turner and company accepted as so much stock transferred to them, by which they could have the same upon the said notes.

Robert Surman also did confess, that those entries did import, and might be understood as explained above by John Maddy; this examinant and Mr. Knight having used to subscribe, and deliver out such notes, for South-Sea stock to be accordingly delivered; but said, that such entries might likewise imply, that the person, named Charles Stangape, had notes for stock to that value, given by Turner and company to the examinant, and to Robert Knight; which

sort of notes Mr. Knight frequently accepted from Turner and company, and delivered out as stock, instead of making actual transfers

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The said Report was ordered to be printed, and taken into consideration, on the 18th instant.

Resolutions of the Commons on the Petition of the South-Sea Company.] Feb. 17. The Commons, in a committee of the whole House, considered of the king's Message relating to the South-Sea Company's Petition, and came to the following Resolutions, viz. 1 "That the payment of the sum of 4,156,506*l.* 4*s.* 11*d.* due to the public, by the South-Sea Company, by virtue of the Act of the last session of parliament, and made payable within one year, by four quarterly payments, commencing the 25th March, 1721, be farther postponed to the year 1722; and that farther provision be made for the more effectual payment thereof. 2. That the repayment of the sum of 1,000,000, which was lent to the South-Sea Company, on the 7th of June, 1720, be postponed to the 7th June 1722."—These Resolutions were agreed to by the House; and it was thereupon ordered, that it be an Instruction to the Committee of the whole House, to whom the Ingrafting Bill was committed, that they have power to receive a clause or clauses pursuant to the said Resolutions.

Resolutions of the Commons on the First Report of the Committee of Secrecy.] Feb. 18. The Serjeant at Arms was ordered to summon the members in the places adjacent, to attend the service of the House, who then proceeded to take the Report from the Committee of Secrecy into consideration; and after some speeches on the several parts of it, the House came unanimously to the several following Resolutions, *nem. con.*

"1. That the late sub-governor, deputy governor, and directors of the South Sea Company, and their officers, and their aiders and abettors, in lending out the Company's money, upon stock and subscriptions, without taking sufficient security for repayment thereof, have been guilty of a notorious breach of trust, and have thereby occasioned great loss to the Company, for which they ought to make satisfaction out of their own estates.

"2. That the selling or disposing of stock, or subscriptions transferred or deposited, as a security for the repayment of the money so lent, was a notorious breach of the trust reposed in the said sub-governor, deputy governor, directors, and their officers, and a fraud on the proprietors, in order to enrich themselves, for which they ought to make satisfaction out of their own estates.

"3. That the taking in or holding of stock by the South Sea Company, for the benefit of any member of either House of Parliament, or person concerned in the administration, (during the time that the Company's proposals, or the bill thereto relating, were depending in parliament) without any valuable consideration paid, or sufficient security given for the acceptance of, or payment for such stock; and the Company's paying or allowing such person the difference arising by the advanced price of the stocks, were corrupt, infamous, and dangerous practices, and highly reflecting on the honour and justice of parliaments, and destructive of the interest of his majesty's government.

"4 That any of the Directors of the South Sea Company, selling their own stock at high prices, to the Company or others, at the same time that they gave orders for buying stock upon account of the Company, under pretence of keeping up the nominal value of the said stock, was a scandalous practice, tending to enrich themselves, to the great loss and detriment of the Company, and of others of his majesty's subjects, for which they ought to make satisfaction out of their own estates.

"5. That the declaring a dividend of 30 per cent for Christmas last, and not less than 50 per cent. per annum for not less than 12 years after, was an infamous contrivance to give his majesty's subjects false notions of the value of the said stock, that the late directors might more easily dispose of their own stock at exorbitant prices.

"6. That the setting the stock of the South Sea Company to sale, by subscriptions at high prices, above the intrinsic value of the same, by the late sub-governor, deputy governor, and directors of the said Company, was a gross and notorious fraud, and has been one great cause of the sinking of the public credit, and bringing upon the nation the distress it at present labours under.

"7. That the advising the late sub-governor, and directors of the South Sea Company, to set the stock of the said Company to sale by subscriptions at high and extravagant prices, or to declare the high and extravagant dividends for Christmas last, and 12 years after, by any persons in the administration, was a notorious breach of the trust reposed in them, to the prejudice of his majesty's government, and the interest of this kingdom."

Then the further consideration of the said Report was adjourned to the 21st following, when, after some time spent therein, the Commons came to the further unanimous Resolutions that follow

"8. That the entry in the cash-book of the South Sea company of 574,500*l.* stock pretended to be sold for 1,213,575*l.* between the 4th of February, 1719, and the 19th of April following, was contrived with a design to conceal the names of persons, for whose benefit stock was taken in by the said Company.

"9 That every person for whom stock was taken in or held, such stock being part of the 574,500*l.* pretending to be sold by the South Sea Company, from the 4th day of February, 1718, to the 12th day of April following, without money paid, or sufficient security given, for the acceptance of, and payment for such stock, be obliged to pay to the said Company

all such sums of money as have been received by way of difference, or otherwise, for such stock taken in or held as aforesaid.

"10. That the addition of 250,000*l.* to the first money subscription, after it had been declared to have been opened for two millions, and the addition of 500,000*l* to the second money subscription, after it had been declared to be opened for one million, were fraudulently contrived to give corrupt advantages to particular persons, and were injurious to public credit

"11. That a Bill be brought in for the relief of the unhappy sufferers in the South Sea Company."

SECOND REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.] Feb. 25. Mr. Brodrick, Chairman of the Committee of Secrecy, acquainted the Commons, That the Committee, since their former Report, had come to a farther knowledge of some matters therein mentioned; and were ready to lay a farther Report before the House, at such time as the House should appoint to receive the same. Hereupon it was ordered, That the Report be now received. Mr. Brodrick accordingly read the same Report in his place, and afterwards delivered it in at the table, where the same was again read, and is as follows:

SECOND REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.

The Committee of Secrecy, appointed to inquire into all the Proceedings relating to the Execution of the Act, passed the last session of parliament, intitled, "An Act for enabling the South Sea Company to increase their present capital stock and fund, by redeeming such public debts and incumbrances as are therein mentioned; and for raising money, to be applied for lessening several of the public debts and incumbrances; and for calling in the present Exchequer Bills remaining uncancelled; and for making forth new bills, in lieu thereof, to be circulated and exchanged, upon demand, at or near the Exchequer;" have made some further progress in the matters referred to them:

Upon the Examination of Mr Matthew Wymondesold, broker, and of John Falconbridge, his book-keeper, touching the particulars of stock bought by Wymondesold, for John Aislabie, esq. late Chancellor of the Exchequer, specified in the Account annexed to the former Report of your Committee, it appears, That, amongst other great sums, in stock, bought by Wymondesold on Mr Aislabie's account, the sum of 20,000*l.* South Sea stock, was, on the 12th of Feb. 1719, delivered to Mr. Wymondesold, by Mr. Robert Surman, then deputy-cashier of the South Sea Company, by order of Mr. Hawes, at the rate of 130*l.* per cent. for the use of Mr. Aislabie; which was about 40 per cent below the market price, as appears by the account of stock sold, laid before the House.

Upon this your Committee sent for Mr. Hawes, and examined him as to this 20,000*l.* stock. He said, He remembered, that Mr Wymondesold applied to him for this 20,000*l* stock; and the examinant told him, He had no orders for the delivering such stock: but the examinant could not remember whether he went to Mr. Aislabie, and had his directions to send Mr. Wymondesold to Mr. Surman; or whether he the examinant, did not tell Mr. Wymondesold to go to Mr. Surman for it But that if he did send him to Mr. Surman he had Mr Aislabie's directions for that purpose.

John Falconbridge informed your Committee, That, on the 9th of February 1719, he did take in the said 20,000*l.* stock of Mr. Surman, for Mr. Aislabie's use at 130*l.* per cent.; and that the examinant, on the 12th of the same month, wrote off this stock from Mr. Surman's to Mr. Aislabie's account. But your Committee examining Mr. Surman as to this matter, he said, He did not remember his transferring the said stock; but said, That he had a great quantity of stock, in his name, in trust for Mr. Knight, and transferred the same on verbal orders only; and that this 20,000*l* (if it was transferred) was transferred by Mr. Knight's directions.

Your Committee also found, on the examination of the said Mr. Wymondesold, and John Faulconbridge, that several parcels of South Sea stock, amounting to 20,000*l.* stock, were bought by Mr. Weymondsold for Mr. Aislabie, on the 1st of March, 1719, at several prices, amounting in the whole to 35,357*l.* 10*s.* And that Mr Knight, late cashier of the South Sea company, paid the examinant the money for such stock, and placed the same to Mr Aislabie's account. Mr Weymondsold produced to your committee a letter from Mr. Aislabie to him, dated the 1st of March 1719, whereby he directs Mr. Weymondsold to buy this 20,000*l.* stock, and adds, that he would desire Mr. Knight to pay him the money for the said stock; which latter, the examinant said, is of the handwriting of Mr. Aislabie, and was received by the examinant on the said 1st of March; and the examinant returned an answer to Mr. Aislabie the same day. That on the 4th of March last, Mr. Knight adjusted the said stock with the examinant, who delivered the stock to Mr. Knight for the use of Mr. Aislabie, and Mr. Knight paid the examinant the money for such stock

John Faulconbridge (who was concerned in entering and making out the accounts kept of this stock) being examined, said, that about a fortnight since, and after Mr Weymondsold's first examination before the House of Peers, and his delivering in an account of stock bought for Mr. Aislabie, to your Committee, Mr. Aislabie requiring the particulars of the stock bought and sold for him by Mr. Weymondsold, the examinant, by Mr. Weymond-

sold, directions, attended Mr. Aislabie with the particulars thereof That Mr. Aislabie then objected against the said 20,000*l* stock bought the 1st of March, and with execrations not fit to be repeated, declared, he knew nothing of it; and bid the examinant tell Mr. Weymondsold, That he (Mr. Aislabie) must declare the same upon oath at the bar of the House The examinant then told him, that he happened to object against an article, which was the plainest in his account, for that this very 20,000*l* stock was taken in for him, and paid for by Mr Knight; and that the examinant had shewn the same article to Mr. Waller, (Mr. Aislabie's son in-law) in an account made up and settled with Mr Knight long since, which Mr. Waller (who was then present) said was true; and the examinant, the next day, attending Mr Aislabie with an explanation of the account, on sight of it, Mr Aislabie expressed himself thus, viz Ay, this makes it plainer, now I can recollect something of it

The said Mr. *Weymondsold* farther informed your Committee, that there were dealings between Mr. Aislabie and Mr Knight; and that the examinant had seen a green book in Mr Knight's custody, wherein the account of Mr. Aislabie was kept; which green book your Committee apprehended to be the same book, mentioned in the examination of Mr. Surman, taken notice of in their former report

Mr. *Hawes* farther acquainted your Committee, that he had dealings in stock with Mr. Aislabie for a considerable time, and kept an account of the same in a book, of which Mr. Aislabie had a duplicate. That the accounts in the said books was continued till some time in November last; and that upon every adjustment, Mr. Aislabie and the examinant usually signed each others books; that (among other things) the said books contained account of quantities of South Sea stock bought and sold by the examinant for Mr. Aislabie. That, some time in November last accounts were finally settled and adjusted between them; and thereupon the examinant was ordered by Mr. Aislabie, to bring the book, which the examinant was unwilling to do, saying, that he ought to keep it for his own justification. But Mr Aislabie told him, that the accounts being then made up between them, he would have the book up, that nobody else might see it. And Mr. Aislabie gave the examinant a receipt in full of all demands, and the examinant delivered him the book. Mr. Hawes farther said, that he never was desired so to do, nor ever did the like to any person with whom he had dealing of this nature.

Your Committee have been informed by Mr. Robert Surman, that several sums of money were paid out of the Company's cash to John Aislabie, esq. and by the book of draughts, kept by the South Sea company, and the Bank, and also by the said Mr Surman's examination, your Committee find that on the 8th of April, 1720, a bill for 27,378*l.* 19*s.* 6*d* was drawn by Mr. Knight, then Cashier of the South Sea company, upon the Bank of England, payable to the said Mr. Aislabie, and the entry of that bill in the cash draught book has been since razed by Mr Knight's directions, who told Mr. Surman, that he had taken that bill back again in payment (as the examinant believed) from Mr. Aislabie. That a bill for the further sum of 6,000*l* was drawn the 11th of June 1720, and paid by the Bank, out of the cash kept there in the name of the South Sea Company, to Mr. Aislabie, on the 10th of September last; and the sums of 4,700*l* and 66*l.* were in the like manner drawn the 20th of September last, and paid to the said Mr Aislabie on the first of October following

Your Committee are still proceeding upon the matters referred to them, in order to lay the same before the House.

The Commons take into Consideration that Part of the said Report which relates to Mr. Charles Stanhope] As the above Report related chiefly to great quantities of Stock and Subscriptions, which appeared to have been taken in for Mr Aislabie, late Chancellor of the Exchequer, and Mr Charles Stanhope, one of the Secretaries of the Treasury, both of them thereupon insisted on their innocence, and pressed, That a short day might be appointed to examine the matter, that they might have an opportunity to clear themselves

Mr. *Brodrick* represented thereupon, That though the Secret Committee had a great deal of Evidence to support the charge against those two gentlemen, yet they wanted a material witness, viz Mr. Knight, late Treasurer of the South Sea Company, who was in safe custody, and, in all probability, would soon be brought over; and therefore the Committee hoped the House would not hurry an affair of so great importance.

Mr. *Stanhope* urging, how heavy an imputation, of so heinous a nature, lies upon a man who knows himself to be entirely innocent, which, he said, was his case; and renewing his instances for examining into it; the 28th of February was appointed for that purpose.

Feb. 28 The Commons resumed the farther consideration of the Report from the Committee of Secrecy, some parts of which relating to Mr. Charles Stanhope were read; after which, the Examination of sir John Blunt, Mr Holditch, Mr Jacob Sawbridge, sen Mr Henry Blunt, and others, before the Committee of Secrecy, were severally read, and they were severally called in and examined, as were also Mr. Elias Turner, and others. The charge against Mr Stanhope consisted of two articles 1. That 10,000*l* South Sea Stock was taken in for his benefit, by Mr. Knight, without any valuable consideration; and that the difference arising by the advanced price thereof was paid him out of the cash of the South Sea company. 2. That Turner and Company had bought 50,000*l* stock at a low price of the South Sea Company, in the name and for the benefit of Mr. Stanhope, the dif-

ference of the advanced price whereof, amounting to 250,000*l.* had been paid to the said Mr. Stanhope, by sir George Caswall and Company. To prove these Articles the Secret Committee caused the examinations before-mentioned, and the persons above-named, to be examined, but some of the latter rather weakened than corroborated their former depositions; sir John Blunt, in particular, owned, as to the first Article, that Mr. Knight had showed him a letter, which he told him was signed by Mr. Stanhope, desiring him to take 10,000*l.* stock for him; but that he did not know whether that letter was genuine, nor what was become of it; and as for the 50,000*l* stock transferred to the Sword Blade Company in Mr. Stanhope's name, Mr. Sawbridge and Mr. Turner had the modesty and good nature to take the whole charge upon themselves, and owned that they had made use of Mr. Stanhope's name, without his privity or consent.

These Examinations, together with the animadversions of the members of the Secret Committee thereupon, lasted until eight in the evening, after which Mr. Stanhope was heard in his place. As to the first Article, he said, "That for some years past he had lodged all the money he was master of in Mr. Knight's hands, and whatever stock Mr. Knight had taken in for him, he had paid a valuable consideration for it: and as to the second, that he could not answer, for what had been done without his consent."

Mr. Stanhope cleared.] When he was withdrawn, a motion being made and the question being put, "That it appears to this House, that during the time that the Proposal made by the South Sea Company, and the Bill relating thereto, were depending in this House, 10,000*l.* stock was taken in, or held by Mr. Knight, late cashier of the said Company, for the benefit of Charles Stanhope, esq. a member of this House, without any valuable consideration paid, or security given for the acceptance of, or payment of the said Stock; and that the difference, arising by the advanced price thereof, was paid to the said Charles Stanhope, esq. out of the cash of the South Sea Company," it was carried in the negative by a majority only of three voices, viz. 180 against 177.[a]

Resolved, "That the making use of the name of Charles Stanhope, esq (a member of this House) in the Entries of the Books of Turner and Company, in order to conceal 50,000*l* stock, supposed to be bought of the South Sea Company, was an unjustifiable and unwarrantable practice."

The Commons take into Consideration that Part of the Report which relates to Mr. Aislabie.] March 6. The order of the day being read, for taking into further consideration the Reports from the Committee of Secrecy; those parts of the first of the said Reports which related to John Aislabie, esq a member of this House, were read; and then the Second Report from the said Committee was read; and a Letter from the said Mr. Aislabie to Mr. Weymondsold, dated 1st March, 1719; and also, several Examinations of Mr Weymondsold before the said Committee; and the Examination of Mr. Robert Surman, taken the 31st of January last; and the Examination of Mr. Francis Hawes before the said Committee, taken the 24th of February last, were read. Afterwards sir John Fellows, Mr. Charles Joye, Mr. Hawes, sir John Blunt, Mr Holditch, Mr. Gibbon and Mr. Chester, were severally called in, and examined. Then the Examination of Mr. Hawes, taken the 31st of January last, before the said Committee, was read; and Mr. Hawes was called in and examined. Then the Examination of Mr. Robert Surman, taken before the said Committee the 7th of March last, was read; and he was called in and examined, and proved an Account of South Sea stock bought by Mr. Knight for Mr. Aislabie; which Account was read; and after Mr. Wey-

[a] March 7. You have heard of Mr. Stanhope's acquittal by a majority of three, which has put the town in a flame, to such a degree as you cannot easily imagine: what consequences it may have I cannot imagine; these I think will be more or less by what shall be done to-morrow, when Mr. Aislabie's case comes on. Lord Stanhope (son to lord Chesterfield) carried off a pretty many, by mentioning in the strongest terms the memory of the late lord of that name: between forty and fifty who could not bring themselves to give negatives, were however persuaded to withdraw before the question. On the other hand, a great many of the affirmatives are gone out of town in the utmost rage, many of them not really displeased at what had happened, since it affords but too good a handle for fomenting greater discontent in the country. I own, I think it a very bad piece of policy, for the whole kingdom are enraged against the South Sea scheme, and not less so, against those who support their abettors. You will soon see, by reading the advertisements, the reason of sending the inclosed paper; Mr. Walpole lives opposite to B. Spars, the Swedish minister. The two brothers were remarkably the most zealous advocates, and perhaps may prove so to-morrow, 'Quos Jupiter vult perdere dementat prius.' This behaviour (whatever may be thought) will not be forgot, things may for a time be carried with a high hand, but such violences cannot be long supported; a scalled head is soon broken. You will see by your abstract of the report, that the proof was full as strong as the nature of the thing (Knight being gone) would admit of, and supported by many concurrent circumstances. Sir J. Blunt's evidence was to be vilified, for further reasons, which you will easily guess at; every body sees through that." Coxe's Walpole. Correspondence: Mr. Brodrick to lord Midleton.

mondsold had been examined, the Examination of sir Theodore Janssen, taken before the said Committee the 20th and 26th days of January last; and the Examination of sir Lambert Blackwell, taken before the said Committee the 25th of January last, were read. Afterwards Mr Gibbon, sir John Fellowes, and Mr. Joye, were again severally called in and examined. And then the Examination of Mr. Knight, taken the 17th of January last; and the Examination of sir John Blunt, taken before the said Committee, the 14th of January last; the copy of the Warrant for making forth new exchequer bills for one million; and also, the copy of the Memorial from the South Sea Company, relating to the issuing of exchequer bills, by way of loan, to the said Company, were read; and afterwards sir John Fellowes and sir John Blunt were again severally called in and examined.

The reading of the Papers, and the Examination of the persons above-mentioned, lasted till about nine in the evening; after which Mr. Aislabie made a long, submissive and pathetic speech, in his own defence.

Mr Aislabie expelled and committed to the Tower.] But what was deposed against him by Mr Hawes, viz. That he had caused the Book of Accounts between them to be burnt, and given him a discharge for the balance, amounting to about 312,000*l.* appeared so heinous, and so home a proof, that after he was withdrawn, the House came to the following Resolutions, viz

"Resolved, *nem. con.* 1. That it appears to this House, that 22,000*l.* South Sea stock was bought by Mr. Robert Knight, late cashier of the South Sea Company, upon the 3rd and 19th days of December, 1719, for the use and on the account of John Aislabie, esq. a member of this House, then chancellor and undertreasurer of the Exchequer, and one of the commissioners of his majesty's Treasury.

"2. That from the 20th day of January, 1719, to the 4th day of March following inclusive, 70,000*l.* South Sea stock was transacted by Mr. Matthew Weymondsold, broker, by the direction and on the account of the said John Aislabie, esq.

"3 That 20,000*l.* South Sea stock, part of the said 70,000*l.* stock, was delivered to Mr Matthew Weymondsold, broker, on the 12th of February, 1719, by Robert Surman, late deputy-cashier of the South Sea Company, at the rate of 130*l.* per cent. by direction of Robert Knight, late cashier of the said Company, for the use and benefit of the said John Aislabie, esq.

"4 That several parcels of South Sea stock, part of the said 70,000*l.* stock, amounting to 20,000*l.* stock for 35,357*l.* 10*s.* were bought by Matthew Weymondsold, broker, on the 1st of March, 1719, by the order of the said John Aislabie, esq. and that the said 20,000*l.* stock was delivered by the said Matthew Weymondsold, on the 4th day of March, 1719, to Robert Knight, late cashier of the South Sea Company, for the use and benefit of the said Mr. Aislabie; and that the said Robert Knight did then pay the said 35,357*l.* 10*s.* for the same.

"5. That the aforesaid 20,000*l.* South Sea stock, was stock taken in and held by the said Robert Knight, for the benefit of the said John Aislabie, esq. after the proposals of the South Sea Company were accepted by this House, and a bill ordered to be brought in thereupon, without any money paid or security given by the said Mr. Aislabie for the said stock.

"6. That the taking in and holding the said 20,000*l.* South Sea stock, by the said Robert Knight, with the privacy and for the benefit of the said John Aislabie, esq. was a most notorious, dangerous, and infamous corruption in the said Mr. Aislabie

"7. That it appears to this House, that between the 20th of March 1720, and the 21st day of November following, there was an account between Turner and company and Edmund Waller son-in-law of the said John Aislabie, esq. amounting in the whole to the sum of 794,451*l.* 15*s.* 9*d.* and that there was also an account of South Sea stock depending between the said Turner and company, and the said Mr. Waller, on the balance of which last mentioned account there was 77,600*l.* due from the said Turner and company, for securing whereof the said Turner and company, entered into bonds the 26th of November last, for 12 months from the 24th day of September then past, viz. One bond for 44,600*l.* to the said Edmund Waller, and one other bond to Thomas Weddal, esq. for 33,000*l.* in trust for the said John Aislabie.

"8. That the said John Aislabie, esq. was privy to, and did approve and consent, that the million of Exchequer Bills, lent by the Treasury to the South Sea Company, should be lent out by the said Company upon their stock, and accordingly the same was done.

"9. That the said John Aislabie, esq. at a meeting with the said sub-governor and several of the directors of the South Sea Company, did advise the taking in the first money subscription at 300*l.* per cent and agreed to promote the same.

"10. That the said John Aislabie, esq gave in a list to the late Directors of the South Sea company, of the names of persons to be admitted into the third money-subscription, at 1,000*l.* per cent for several sums of money amounting to 75,300*l.* and did thereby promote and encourage the said subscription.

"11. That the said John Aislabie, esq has encouraged and promoted the dangerous and destructive execution of the late South Sea scheme, with a view to his own exorbitant profit, and has combined with the late Directors of the South Sea Company in their pernicious practices, to the detriment of great numbers of his majesty's subjects, and the ruin of the public credit and the trade of this kingdom.

"12. That the said John Aislabie esq be, for his said offences, expelled this House."

Then it was ordered, "That the said John Aislabie, esq. be committed prisoner to his majesty's Tower of London; and that Mr Speaker do issue his warrant accordingly; And that leave be given to bring in a bill for restraining John Aislabie, esq. from going out of this kingdom for the space of one year, and until the end of the next session of parliament; and for discovering his estate and effects; and for preventing the transporting or alienating the same."*

The Commons take into consideration that part of the Report which relates to sir George Caswall] March 10. The House proceeded to take into further consideration the Reports from the Committee of Secrecy:

And that part of the First Report, which relates to 50,000*l.* South Sea stock taken in, and held by, Robert Knight, for the use of Elias Turner, Jacob Sawbridge, and sir George Caswall, a member of this House, was read. and a Transfer in the South-Sea Company's transfer-book, dated the 18th of February 1719. And Mr. Robert Surman, Mr. Testard, and Mr. Poulter, were severally called in and examined. Then the examination of Mr Jos. Stanbrough, taken before the said Committee the 21st of Jan. 1720, was read; and he was called in and examined. Then several books of Turner and Co. were read. Then Mr. Mount was called in and produced the Night Cash-book of Turner and Co. and for the 10th and 12th of Dec. 1720, which was read, and be was examined. Then the examination of Mr. Jacob Sawbridge, sen. taken before the Committee of Secrecy the 20th of January last; and also Mr Knight's examination taken before the said Committee the 21st of January last, were read. And then Mr. Surman was again called in and examined. And then Mr. Elias Turner, and Mr. John Mount were severally called in and examined; and the Cash-Book of Turner and Co. of the 18th of February last, 1719, was read. After this,

Sir *George Caswall* was heard in his place, and, in his Defence alledged, That he had made a lawful bargain for the stock in question with Mr Knight, and had several times offered to pay the value of it, but was put off, from time to time by Mr. Knight, who told him, he was not at leisure to make up accounts with him; and that Mr. Knight had sufficient security in his hands. To prove which sir George called several witnesses. Hereupon three or four members spoke in his behalf, and among other things said they were satisfied he had given sufficient security. but the question being put whether he had or not, it was carried in the negative by 227 voices against 92. Then

* "March 9. Yesterday night past twelve, Mr. Aislabie's fate was determined, as you will see by the votes, almost the whole time being taken up in examining numbers of witnesses (late directors) called by him. The questions proposed was the same to them all, viz Whether they knew or had heard of any fictitious stock taken in, or held for him, or of any stock bought for his use with the Company's money, to every of which they all answered roundly in the negative, from whence he argued the certainty, and as he expressed himself even to a demonstration of his innocence, for that it was not to be conceived, but they must have known the thing. As to the proceedings of the Directors (to whom he gave all the hard names he could think of) his plea was ignorance. To the charge of having great dealings in stock (pending the bill) he said nothing, otherwise than by insinuation, that doing so with his own money, he hoped would not be criminal. His concerting with the directors, taking in the 1st subscription at 300 per cent. he dropt, not saying one word to the charge; but an incident happened which gave great disgust to the House. The second Report takes notice of great dealings in stock between him and Mr. Hawes, (formerly his clerk, as Treasurer of the Navy) who had informed the Committee, that those accounts were finally adjusted in November last, when Mr. Aislabie insisted upon having Mr Hawes's book (of which he had a duplicate) delivered him, that no one might see it, which was done accordingly upon his giving Hawes a general release. On Tuesday, a motion was made for his laying that book before the House as yesterday, which he opposed, as what the House could not demand, for that it related only to his own private account with Hawes, but was over-ruled by the House, and ordered to bring in the book; wherewith not complying, notice was taken of it in the House. He then desired Mr. Hawes might be examined, who said at the bar, that when he delivered up the book, both that and the duplicate (in Mr. Aislabie's hand) were burnt, of which Mr Hawes made no mention when examined by the Committee, nor did Mr Aislabie on Tuesday; from whence it was concluded that this was an after thought, and the books burnt (if at all) *ex post facto*. He had on Tuesday imprudently enough said, that if the Committee should have demanded those books, he would have burnt them before their faces.

"After his defence, the questions went without other opposition, than what was very slender, by Mr. Minshal and Mr. Fuller; sir Richard Steele said a little, not very plain in effect (as I understood him) that the examinations did not sufficiently support the question proposed, but it did not obtain. Mr Walpole's corner sat mute as fishes. Mr. Fuller, upon one question demanded a division, which was very artfully turned off by the Speaker, and generally understood with design to obviate the difficulty those in employment might lie under, on whatever side they should divide. Thus the matter ended, and in return for the fatigue the House underwent, we got a play day, adjourning till to-morrow, when I think sir George Caswall will have the same fate." Coxe's Walpole. Correspondence; Mr. Brodrick to lord Middleton.

Sir *George Caswall* stood up again, and expressed his great sorrow, that he had the misfortune to fall under the displeasure of the House; which lay the more heavy upon him, because he was not conscious of any crime, unless it were the extraordinary zeal and affection he had shewn for the support of the present happy settlement, having assisted the government with vast sums of money, at three per cent. when they could get it no where else: for the truth of which he appealed to the members of the House, who were then commissioners of the treasury. Hereupon

Mr *Clayton* stood up, and witnessed to the truth of his allegation:

Sir George Caswall expelled and committed to the Tower *] But his past services not being thought a sufficient atonement for the great share he had in the fraudulent management of the South-Sea Scheme, after he was withdrawn, the House came to the following Resolutions, viz.

1. "That it appears to this House, That, during the time the Bill for enabling the South-Sea Company to enlarge their capital stock and fund, was depending in parliament, 50,000*l.* stock, being part of the 574,500*l.* fictitious stock, entered in the cash-book of the Company, as sold for 1,259,325*l.* was taken in or sold by Robert Knight, late cashier of the said Company, for Elias Turner, Jacob Sawbridge, and sir George Caswall, (a member of this House) without any valuable consideration paid, or sufficient security given for the acceptance of, or payment for, such stock.

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* "March 11. Yesterday sir George Caswall had Mr. Aislabie's fate, with this further addition, of refunding 250,000*l.* as you will see by the votes. The day was long enough, though not so bad as the other; for we rose just after eight o'clock. Our time was taken up by an insignificant defence, endeavouring to prove that company losers by the South-Sea. The only material thing insisted upon by him, was a pretence of having given sufficient security for the 50,000*l* stock, taken in by Knight for them, in order to get clean of a former resolution.

"The case (as himself opened it,) stood thus: in January or February 1719, (for we can never fix them to certain times in any instance) he and company pawned 70,000*l.* stock to the South Sea Company, borrowing 105,000*l.* upon it. The first of March following, Knight takes in the 50,000*l.* fictitious stock for them; upon which, two questions arose. First, whether the pawned stock could (without agreement of parties) remain a farther security for the 50,000*l.* stock taken in by Knight, even suppose it would in value have answered both; secondly, whether it would have been sufficient security. The master of the rolls differed from his brethren upon the first; insisting that before they should have been let into the redemption upon payment of the 105,000*l.* they would have been obliged in equity to have paid for the 50,000*l* stock taken in by Knight. I must here observe, that long after, and at the bar said to be the 15th of May, (though no witness upon oath before the Committee would fix the time) a note under Caswell's hand was sent to Mr Knight for 125,000*l.* the price of the 50,000*l* stock at 250*l.* per cent. As to the second point, it was urged (and generally agreed to) that if the South-Sea scheme had failed in our House, the 70,000*l.* stock would not have been near a sufficient security for the 105,000*l.* lent thereon. The master's differing from us, was, in my opinion, what led the managers into the demand of a division upon the first question: but they soon saw their error, the yeas being 228, the nays but 92. You will easily believe the subsequent questions were given up upon seconding; if I mistake not, the first question was battailed to avoid the consequence of our last question, that of refunding. For it is generally thought, this stock was in trust for others, and this was in plain terms spoke strongly to in the debate. Even the master of the rolls declared freely his being of that opinion; going yet further, that he did not see how any member could justify buying stock (pending the bill) although he should even have paid ready money for it. It is not to be conceived what satisfaction these two days work have given, and indeed it is well it so happens, for the rage was grown to such height upon the acquittal of Stanhope, that no man can tell when it would have ended. Bonfires were made in the city the day Mr. Aislabie went to the Tower.

"It is said, an attack upon the Committee was talked of in private, and intended, but we have acted with such caution and candour as to bid defiance. Should any thing of that kind be attempted, they must have a better pretence than appears at present. Our credit throughout the kingdom will sufficiently support us. Let them look to themselves, they stand on a sandy foundation. In debating the motion for a bill against Mr Aislabie, Mr Walpole said, impeaching (not billing ministers) was the way of parliamentary proceeding in time of our ancestors, which was very smartly animadverted upon, particularly by the master. He observed (saying that gentleman very well knew) that the course of parliamentary proceedings was altered, quite inverted, by rendering all prosecutions, by way of impeachments ineffectual; that no greater instance need be given than in the present case, wherein the Lords had by way of anticipation entered into the examination of what properly belonged to the Commons, in order to come to a resolution of the legality of that constitution, made by the treasury, appointing the directors judges, where they were beyond possibility of denial, parties; by which means all the public creditors were imposed upon and defrauded, and which in truth, was the first and chief source of the misfortunes which have happened." Coxe's Walpole Correspondence; Mr Broderick to lord Middleton.

2. "That it appears to this House, by the Books of the said Turner and Co, and the Examinations now before this House, That there was a clear profit of 250,000*l.* made of the said 50,000*l.* stock, so taken in or held as aforesaid.

3 "That the said sir George Caswall, by concurring with his partners, the said Elias Turner, and Jacob Sawbridge, in having the said 50,000*l.* stock taken in or held as aforesaid, has been guilty of a corrupt, infamous and dangerous practice, highly reflecting on the honour and justice of parliament, and destructive to the interest of his majesty's government.

4 "That the said sir George Caswall be, for his said offence, expelled this House.

5. "That the said sir George Caswall be committed Prisoner to his majesty's Tower of London; and that Mr. Speaker do issue his warrants accordingly

6. "That the Estates, real and personal, of the said sir George Caswall, Jacob Sawbridge, and Elias Turner, be subject and liable to answer and make good to the South-Sea Company, the aforesaid sum of 250,000*l.* which was the advanced price on the 11th day of June, 1720, of the said 50,000*l.* stock, over and above the sum of 125,000*l.* paid to the said Company for the same."

The Commons take into Consideration that Part of the Report which relates to the Earl of Sunderland.] March 15. The Commons proceeded in the adjourned Consideration of that part of the Report, from the Committee of Secrecy, which related to the earl of Sunderland, and the several Examinations of sir John Blunt, Mr Edward Gibbon, Mr. Charles Joye, James Craggs, esq. Mr Richard Holditch, Mr. John Webster, Mr Robert Surman, sir Lambert Blackwell, Mr. Francis Hawes, Mr. William Astel, sir John Fellows, and sir Theodore Janssen, taken before the said Committee, were read, and afterwards, Mr. Joye, Mr. Gibbon, Mr. Chester, Mr. Holditch, and Mr. Surman, were severally called in, and examined.

Then a Motion was made, "That it appears to this House, that, after the Proposals of the South-Sea Company were accepted by the House, and a Bill ordered to be brought in thereupon; and before such Bill passed, 50,000*l.* of the capital stock of the South-Sea Company was taken in by Robert Knight, late Cashier of the said Company, for the use and upon the account of Charles earl of Sunderland, a Lord of Parliament, and first Commissioner of the Treasury, without any valuable consideration paid, or sufficient security given, for payment for, or acceptance of the same"

The Earl of Sunderland cleared *] This motion occasioned a warm debate, that lasted till near eight at night, but the question being put thereupon, it was carried in the negative, by a majority of 233 votes against 172.

* " March 16. That part of the Report of the Committee of Secrecy, which related to lord Sunderland, and should have been taken into consideration on Tuesday, was, at the pressing instances of Mr. Walpole, adjourned to yesterday, upon suggestion, that it would be necessary, for the farther information of the House, that the several witnesses who had been examined by the committee, might be examined at the bar, since possibly they might not come up, in every particular whereof they had informed the committee, or might so far explain their meaning, as to give a very different turn from what the words of their examination might possibly import. We very well foresaw gaming a night was chiefly in view, and it had, in my opinion, its effect, for when they came to be examined, upon cross questions, every one of them strengthened the report; among the rest ordered to attend, sir John Blunt was one, but his lordship's advocates did not think fit to call him in. The abstract of the report which you have, will evince the strength of the case, which I own I think fuller proved, and so I said, than any of the three cases which had been under consideration.

" The defence made, was entirely different from what I expected, there being, as I apprehended, no room left for denying the fact, wherefore I concluded the sufficiency of the security, his lordship's note, sworn to have been shewed sir J. Blunt, by Knight, would have been insisted upon, but that point was given up, and his lordship's denial of any stock taken, or note given, was the subject of three hours debate, after all the papers read, and witnesses examined; by way of negative proof, Mr. Pelham, brother to the duke of Newcastle, and Mr. Walpole, informed the House, that his lordship had empowered them to declare, that no stock had ever been taken in for him by Knight, or note given, so that the question is truth, was neither more or less than whether we should give credit to that assertion, or sir John Blunt's oath. A good deal of pains was taken to falsify the oath, by asking the witnesses at the bar, whether Knight had told them of this stock being taken in presence and hearing of sir John Blunt, as he had sworn, they owned Knight's telling them of the stock so taken in for lord Sunderland. One of them said he was alone with Knight when he told him of it; two others owned sir John's being in the room when he told it them, but did not believe him within hearing of what Knight said. Such trifling stuff never surely was insisted upon in any other case, and would in any other have been the strongest proof of the fact. It was foreseen too well, that such a defence was not to be relied upon, and therefore the sheet anchor was lord Oxford's play. If you come into this vote against lord Sunderland, the ministry are blown up, and must, and necessarily will be succeeded by a tory one. I really think I never heard any thing better debated on the one part, or more weakly on the other; but sir J. Walter's argument of unanswerable, was the best refuge. Yeas 172. Noes 233. I have sunk nothing,

Mr. Hutcheson moves for an Address to the King to know what Informations his Majesty had received relating to Mr. Knight.] March 17. The order of the day being read, for the House to take into farther consideration the Report from the Committee of Secrecy, Mr. Hutcheson represented, "That it was impossible to proceed in so important an affair, without exposing the justice of parliament to be baffled, as it had been in some late instances, so long as they wanted so material a witness as Mr. Knight:" And therefore he moved, and, being seconded, it was resolved, *nem. con.* "That an Address be presented to his majesty, to desire that he would be pleased to impart to this House, the Advices his majesty has received, or shall receive, from abroad, concerning his endeavours to bring over Robert Knight, late cashier of the South-Sea Company, to answer to the justice of the kingdom:" which Address was ordered to be presented by such members of the House as were of the Privy-Council *

March 20. Mr. Methuen acquainted the House, that their Address, relating to Mr. Knight, having been presented to the king, his majesty had commanded him to lay before the House, several Letters and Papers, containing advices from Flanders concerning him, and at the same time, to acquaint the House, that his majesty had not received any advice from thence relating to Mr. Knight, that as soon as any should come to his majesty, they should be laid before the House: hereupon several Letters from Mr. Leathes, his majesty's resident at Brussels, to the Secretary of State, were read, importing in substance, "That pursuant to his orders, he had made the most pressing instances with the marquess de Prie, for the delivering up of Mr. Knight: but had been answered, that the said marquess had not received any instructions from Vienna about that matter; that, in the mean time, he was apprehensive that the same would meet with great difficulties. That the Greffier, or Secretary, of the States of Brabant, had been twice with the said marquess, to represent to him, that according to one of the articles of the Joyful Entry of Brabant, which was granted them by the emperor Charles 5, and has been sworn to by all his successors, and which they look upon as their Magna Charta, no person charged with, or apprehended for any crime, can be removed to be tried out of their province, and that the Deputies of the States insisted upon that article, of which the resident had enclosed a copy in French, which was also read in the House."

Most of the members appeared surprized at the unexpected difficulties about the delivering up of Mr. Knight, which was started in the name of the States of Brabant, and lord Molesworth said thereupon: That it was to be hoped, they should have a more satisfactory answer from Vienna, than they had from Brussels. but if they had not, it would, in his opinion, be proper to call for the Treaties lately entered into with the House of Austria, to know upon what motives we have been at so great an expence of blood and treasure, and have sent our men of war to rot and be worm-eaten in the Mediterranean, to conquer kingdoms for the emperor? Adding, That if that pretended Privilege of the States of Brabant, should be insisted upon, they might remove that obstacle, by addressing his majesty to grant his pardon to Mr. Knight, in order to have him brought over: but that it was proper not to make any farther step in that affair, till they were acquainted with the success of colonel Churchill's Negotiation at Vienna.

March 22. Mr. Methuen acquainted the House, That his majesty having, the day before, received a Letter from colonel Churchill, directed to the lord viscount Townshend, dated Vienna, the 4th of March, 1720-21, had commanded him, pursuant to the Address of the House, to lay a copy thereof before the House, which he presented to the House accordingly. The Copy of that Letter was thereupon read, importing in substance, That he was just arrived at Vienna, and would not lose one moment, in making the most pressing instances to the imperial court, for the delivering up Mr. Knight; and that he did not doubt success, unless the Privileges of the States of Brabant interfered: several smart reflections were made by lord Molesworth, upon this frivulous pretence that was made use of, to baffle his majesty's endeavours to bring over Mr. Knight: but the House did not think fit to come to any resolution thereupon. The same evening colonel Churchill arrived from Vienna, which occasioned an universal surprize.

March 24 Colonel Churchill being come into the House, it was expected that an account of his Negotiations would, this day, have been laid before the Commons. but they were only given to understand, that as soon as the dis-

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but tell truly and in short the whole case. I take it for granted we are over the material parts of both reports, if what I heard this day in the House prove true. One who came out of the city, told me, he believed Mr. Craggs dying, if not actually dead, and gave some circumstances in confirmation of a whisper of his having taken a dose, if so, it resembles in great measure lord Essex's case." Coxe's Walpole Correspondence: Mr. Brodrick to lord Middleton.

* "It was generally expected, That this day the Commons would have proceeded to that part of the Report, from the Committee of Secrecy, which related to James Craggs, esq. but whether the terror of his approaching trial, or the loss of a beloved son, for whom he had been amassing vast heaps of riches, cast a damp upon his spirits, he died the day before, in a lethargic fit; leaving behind him an estate, valued at one million and a half, to be divided among his three daughters; who are married to three members of parliament, viz. Mr Trefusis, Mr. Newsham, and Mr. Elliot." Political State.

patches he brought from Vienna could be translated, they should be laid before the House, who thereupon adjourned till the 27th.

Further Debate on Mr. Knight's not being delivered up] March 27. Mr Methuen acquainted the House, that his Majesty had commanded him to lay before them copies of several Letters and Papers relating to Mr. Knight, which he presented to the House accordingly, with a Schedule of them. The copies of the said Letters were read, and among them a Letter from the Emperor to the king of Great Britain, expressing his imperial majesty's inclination and readiness to comply with his Britannic majesty's desires, as to the delivering up Mr. Knight; but that the States of Brabant having and claiming particular Privileges, which his imperial majesty was engaged to maintain, it would be necessary to make application to the said States; and his imperial majesty, on his part, would not fail to support such instances as should be made. To which effect prince Eugene wrote a Letter to the Marquis de Prie, which was also read. Several smart reflections were made, by lord Molesworth, on the former of those two Letters: but this affair being equally nice and important, it was resolved to take into consideration the several Letters and Papers relating to Mr. Knight, which his majesty had communicated to the House, in a grand committee on the 29th

March 29. The Commons, in a grand committee took into consideration the said Letters and Papers. After the reading of some of those Papers,

Mr. *Hutcheson* opened the debate, representing, How much, on the one hand, the public was concerned, in having the authors of the present distress fully discovered and brought to condign punishment; and how impracticable it was, on the other hand, to proceed in this important inquiry, so long as the principal agent of the late South-Sea Directors, and their accomplices, was kept out of the way; that in the mean time, the public calamity encreasing every day, the nation called aloud for justice: and therefore, if the means already used for bringing over Mr. Knight, proved abortive, it were advisable to have recourse to more speedy and effectual methods.

Sir Joseph Jekyll, and the lord Molesworth, strongly supported Mr Hutcheson, and in particular shewed, That it was incumbent on some persons in the administration to have Mr. Knight brought over, in order fully to clear their own innocence; otherwise, though acquitted, they would still be looked upon as criminal. Urging, That it was matter of wonder that so frivolous a pretence, as the privileges of the states of Brabant, should be made use of to put a stop to so important an inquiry, especially considering how little those privileges had been regarded in more material points; and what obligations the House of Austria lay under to the British nation.

Sir *Richard Steele* offered something against obliging Mr. Knight to be an evidence, whether he would or no: but no great stress was laid upon it. On the other hand,

Mr *Lechmere* represented, That in all probability the court of Vienna had not, at first, fully considered the importance of the instances that were made to them in his majesty's name, and at the desire of the Commons of Great Britain: but that it was to be presumed that when so wise a prince as the present emperor, should be apprized, that the welfare and safety of England, to whom his imperial majesty has so great obligations, depended, in some measure, on the delivering up of Mr Knight, he would readily comply with their desires.

Another Address to the King thereon] Hereupon, Mr. Lechmere moved, "That an humble Address be presented to his majesty, returning the Thanks of this House for the instances he has been pleased to make, by a Letter under his royal hand to his imperial majesty, for obtaining the delivering up of Mr. Knight, pursuant to the Address of this House; and for communicating to this House, the steps which have been taken relating thereto: and to represent to his majesty, the dissatisfaction which his Commons have at the obstacles which they find have been raised, under the pretence of the Privileges of the States of Brabant, against a compliance with his gracious endeavours, and also to represent, that this House is every day more and more convinced of the high importance it is to the justice due to his majesty's people, that effectual measures be speedily taken for bringing over Mr. Knight: and earnestly to beseech his majesty, to employ his most pressing endeavours, in such manner, as to his great wisdom shall be thought proper, for attaining the just desire of his Commons."

Nobody offered to oppose this motion, which, after Mr Speaker had resumed the chair, Mr Broderick reported to the House, and the same being agreed to, *nem. con.* it was resolved, That the said Resolution be laid before his majesty by the whole House.

The King's Answer] March 30. The Commons, to the number of above 300, with their Speaker, went to St. James's, and presented the said Resolution to the king; to which his majesty returned the following Answer;

"Gentlemen;

"I am very well pleased, that the instances which I have made for obtaining the delivering up of Mr. Knight, have given you satisfaction, I shall continue to employ my utmost endeavours for obtaining what you desire, and hope they will prove effectual."

SEVERAL REMARKABLE PETITIONS FOR JUSTICE ON THE AUTHORS OF THE PRESENT CALAMITIES.] About this time many Petitions were presented to the House of Commons, praying for Justice on the Authors of the present Calamities of which, the following are the most remarkable:

To the Hon. the Commons of Great Britain in Parliament assembled. The humble Petition of the Lord Mayor, Aldermen and Commons of the City of London, in Common Council assembled.

"Sheweth, That your petitioners think it their duty most humbly to represent to this honourable House the present state of the City of London, so considerable a part of the kingdom, now filled with numberless objects of grief and compassion, the sad effects of the mismanagement, avarice, and fatal contrivances of the late directors of the South-Sea Company, their aiders, abettors and confederates, in the destruction of their country.

"Nor is it the case of this great city alone your petitioners lament, but the general decay of trade, manufactures, and of public credit, whereof this honourable House have been always so extremely tender; as also of the honour of the British name and nation.

"Your petitioners beg leave to return their most humble thanks to this honourable House, for the great pains they have taken to relieve the unhappy sufferers, by compelling the offenders to make restitution; as likewise for their continued application to lay open this whole scene of guilt, notwithstanding the industrious artifices of such sharers in the common plunder, as have endeavoured to obstruct the detection of fraud and corruption. And your petitioners doubt not, but the same fortitude, impartiality and public spirit, wherewith this honourable House have hitherto acted, will still animate them in the pursuit of those truly great and noble ends.

"We are too sensible of the load of the public debts, not to wish that all proper methods may be taken to lessen them. And it is an infinite concern to us, that the payment of a great sum towards them (which was expected from the late scheme) is now rendered extremely difficult, if not impracticable, and yet is a cloud hanging over the heads of the present unfortunate proprietors of the South-Sea Company, and a great damp to public credit. We will not presume to mention in what manner relief may be given in this arduous affair, but most humbly submit it to the consideration of this honourable House.

"Your petitioners therefore most humbly pray this honourable House will be pleased to take such farther measures as they, in their great wisdom, shall judge proper, that trade may flourish, public credit be restored, and justice done to an injured people. And your petitioners shall pray, &c."

The humble Petition of the justices of peace, grand jury, gentlemen and freeholders, assembled at the quarter-sessions of the peace, holden the 17th of April 1721, for the county of Hertford:

"Sheweth, That your petitioners being truly sensible of their happiness, under the best of constitutions, beg leave among other of their fellow-subjects) to lay before this honourable House the great miseries they labour under by the decay of trade, manufactures, and public credit.

"We are amazed to think to what an extravagant height the late directors of the South Sea Company, their aiders and confederates, had fatally wrought up the credit of their stock by their wicked arts and delusions, to the injury of the public, as if purposely designed to destroy their country, and, under a pretended zeal to his majesty and his family, to lay such a foundation of prejudice, by the poverty of the people, as should even stagger those whose loyalty has been ever most conspicuous.

"Your petitioners having a just sense of the earnest endeavours of this honourable House to relieve the unhappy sufferers thereby, are persuaded that the subtle contrivance of those who so justly dread the discovery of their guilt, will at length be defeated by the courage and resolution of this honourable House; and that the secret springs of such who concurred with the directors in those designs, will be made appear, and laid before the whole world, to their utter confusion.

"Your petitioners are persuaded, from the firmness and vigour of this honourable House, that no difficulties will obstruct the glorious steps they are pursuing, to bring to punishment the authors of all this misery, let the offenders be ever so distinguished, by the greatness of their stations; and as their crimes are of the blackest dye, (even a determined resolution to destroy this once most flourishing kingdom) so we hope, from the justice of this honourable House, such examples will be made, as shall free us from the terror of such apprehensions for the future.

"We are too truly affected with the great debt the nation labours under, not heartily to wish all proper methods were found out to lessen the same. But as the late scheme of the South Sea Company (upon which our hopes were built for an immediate relief of a considerable sum) has proved abortive, by the avarice of the late managers thereof, so we fear the consequence of insisting upon that contract with the South Sea Company, towards the discharging of the public debts, would be the loss of the little credit that remains.

"Your Petitioners, in full confidence of the wisdom of this honourable House, most humbly pray, that no artifices whatsoever may be able to divert you from those just measures which you are taking to restore Public Credit, make trade flourish, and do justice to a most injured nation. And your Petitioners shall ever pray, &c."

The humble Petition of the justices of peace, grand jury, clergy, gentlemen, and free-holders of the county of Kent, at the general quarter-sessions of the Peace, holden at Maidstone, in, and for the said county of Kent; the 18th day of April, 1721.

"Sheweth;—That the county of Kent, lately one of the richest and most flourishing in the

kingdom, is at present, by the execrable fraud of the late wicked South-sea Directors, and their more wicked accomplices, reduced to a most unhappy condition, which your Petitioners beg leave to represent to this honourable House, which hath always been ready to hear the voice of an injured people, and fully avenge them of their enemies.

"It is with the utmost indignation, that we see this honourable House struggling with unexpected opposition; and labouring under unaccountable difficulties; and we can never sufficiently express our resentment, when we behold the king of Great Britain, in vain demanding the person of a man, inconsiderable for every thing, except his crimes; who, as he was no doubt prevailed on to fly his country, to obstruct justice upon greater offenders, is still denied on pretences too weak to give satisfaction to so wise a prince, and so discerning a people.

"We should be very much wanting in gratitude to this honourable House, if we had not the deepest sense of the endeavours they have used to relieve us under our present distress: happy! if those endeavours had not been, in some measure, obstructed by the contrivance of those miscreants, who, as they have art enough to cover their iniquity, flatter themselves, that they have power sufficient to be screened from justice. But we doubt not, this honourable House, the constant guardian of our rights, will think it becoming their great wisdom to shew those conspirators their mistake, who vainly imagine, that by thus plundering their fellow-subjects, they have so far weakened them, as to render their very resentments impotent and ineffectual.

"The city of London have so fully expressed our sense of the load of Public Debts, and of the manner of being eased therefrom, that to say more, would be a vain and useless repetition. And therefore, for our speedy and effectual relief (entirely depending on your wise and just deliberations,) Your humble Petitioners shall ever pray."

The humble Petition of the mayor, bailiffs and burgesses of the borough of Leicester,

"Sheweth;—That though by indulgent providence, your Petitioners are clear of South-Sea projects, and neither tainted with the guilt of contriving, nor hurt by giving credit to the late cursed impostures; yet we are sharers in the national calamity, which involves all, the wicked authors only excepted; whose successful crimes have raised them above the reach of ordinary justice, and left them nothing to fear or us to hope, but from the legislative power. With utmost resignation therefore to the justice and wisdom of this honourable House, our most deplorable state and condition is represented.

"No sooner had the South-Sea Directors, and the vile emissaries they detached over the kingdom, to propagate lies and forgeries, so imposed upon the honest credulous people, as to draw all their ready money and treasure into their infamous hands, but we saw trade instantly struck dead, our manufactures disregarded, our combed wool (once the staple and glory of our industrious corporation) lie neglected in our workhouses, our poor increasing for want of employment; many who cheerfully paid taxes towards supporting our happy government, reduced by want of trade to a miserable exemption from them.

"And, as if these did not amount to a sufficient measure of evils, we are alarmed with yet more to come, and threatened that the sole relief to an almost despairing people, the single recompence for all their sufferings, shall be attempted to be wrested from them, viz the seven millions due by contract from the South-sea company towards payment of the Public Debts, and relaxing part of those taxes which the people have long borne, and now weakened and impoverished by South-Sea schemes, are unable to sustain, shall be sacrificed to that Company, to raise high again their fatal credit, revive stock-jobbing, and pour out the last drops of the nation's blood to be licked up by the cannibals of Change Alley.

"Such a project (were it possible it could succeed) for confirming perpetual debts, mortgages and taxes, upon a people deploring already their hard fate under undeserved miseries, would give (we humbly apprehend) an incurable wound to trade and national credit, heighten their griefs into despair, shock their steady affections to this good government, and animate its enemies to farther attempts.

"But under the protection of so just and wise a parliament, the scourge of wicked avarice, we have nothing to fear from such wild and destructive schemes, and nothing to petition for, but that this honourable House will proceed with the spirit and justice they have begun, to disappoint every mischievous enterprize and avaricious design, and bring to condign punishment all who should be found conspiring to enrich themselves by the undoing of their country.

"So shall public faith and credit be re-established on their foundations, justice, and strict observance of contracts; honest trade, released from heavy impositions, which have so long depressed it, raise its head, and contend with success against its knavish rival stock-jobbing; poverty, and with it, discontent vanish; our gracious sovereign king George reign over an once more prosperous and happy people, as able as willing, by large supplies, to promote both his majesty's glory and safety. And your Petitioners shall pray, &c."

The humble Petition of the mayor and burgesses of the town of Nottingham in common council assembled.

"Sheweth;—That your Petitioners think themselves obliged to lay before this honourable House, the deep sense they have of the present calamities brought upon the nation, through the boundless ambition and avarice

of the late South-Sea Directors, their confederates, and assistants, who by a continued series of unparalleled contrivances, and practices, have involved their native country in ruin and destruction.

"That this ancient corporation, long famous for the manufacture of English wool, wherewith not only our own, but foreign markets were supplied, do now feel the fatal effects of their mismanagement, in the losses they have sustained in the decay of their trade and Public Credit.

"That your Petitioners do, with all imaginable gratitude, humbly acknowledge the ardent zeal, this honourable House have manifested, by an impartial inquiry into this mystery of iniquity, and incessant endeavours for the relief of oppressed sufferers, notwithstanding all the artifices made use of to obstruct their procedure, for the obtaining those just and noble ends designed thereby.

"That divine Providence hath removed some of the actors in this black tragedy, and sharers of the spoils of their fellow subjects, beyond the reach of human power, but their estates are left behind. And your petitioners do with great satisfaction confide in the justice and wisdom of this honourable House to complete the great work, they have with so much honour, courage, and impartiality begun and pursued, in order to compel notorious criminals to make a restitution for the relief of the present unhappy proprietors of the South Sea Company, as ample and extensive as the many instances of discovery, and the qualities of the persons concerned will permit.

"Your Petitioners therefore do, with the greatest deference and submission, pray this consideration of this honourable House, with respect to that part of the South Sea scheme, which relates to the public debts of the nation, and other the premises, in order to revive our languishing trade, to restore public credit, to remove the discontents, and, as far as is practicable, silence the complaints of an injured nation, by such ways and methods, as they, in their great wisdom, shall see meet. And your Petitioners shall pray, &c."

Besides the above Petitions, the following were also presented to the House, from the following places:

County and City of Gloucester.

Setting forth, That the mischievous effects the trade of the nation, and particularly the Clothing manufacture of that country, lie under, is occasioned by the treacherous practices of the late South Sea Directors; as also the ruin of the public credit of the nation: and praying, That they may be put under an incapacity of doing such mischief to the public for the future.

City of Worcester.

Setting forth, That the miseries of their numberless poor, now utterly destitute of work, call aloud for relief; their unparalleled injuries provoke them to petition for Justice against the late South Sea Directors, their aiders and abettors, who are the destroyers of their Trade, and plunderers of their Country. and praying relief.

Borough of St. Albans.

Setting forth, That they cannot but with the greatest concern take notice of the many and great calamities brought upon the whole kingdom, by the ill management, treacherous conduct, and sordid practices, of the late South Sea Directors; who by their false cunning, have betrayed an unwary people into poverty, ruin, and destruction, contrary to the trust in them reposed. and praying, That the said late South Sea Directors, together with their abettors and confederates, may be brought to condign punishment.

New Sarum.

Setting forth, That the late South Sea Directors, and their black accomplices, by their insatiable covetousness and ambition, supported by the base arts of fraud and dissimulation, have brought the trade, and public credit, of this kingdom, under the most languishing condition, as they have also done to the petitioners: and praying relief.

City of Rochester.

Setting forth, That the petitioners are deeply affected with the calamities these kingdoms now groan under, from the general decay of commerce, trade, manufactures, and the public credit, and from the misery and ruin which vast numbers of his majesty's faithful and innocent subjects now labour under; occasioned chiefly by the wicked and detestable contrivances, artifices, and mismanagements, of the late Directors of the South Sea Company, and their aiders and abettors and praying, That they may be brought to condign punishment.

Borough of Shaftsbury.

Setting forth, That it is the destruction of trade, and the ruin of so many thousands of their fellow subjects, make them become Petitioners, that means may be taken effectually to detect the fraudulent contrivances of the late South Sea Directors, and their accomplices, and to punish the guilty; and that the credit of the nation may be restored: and praying to be relieved in the premises.

County of Worcester.

Setting forth, That the many and great grievances they now labour under is occasioned through the boundless avarice, and unparalleled treachery, of the late Directors of the South Sea Company, and their abettors; by whose means the public credit of the nation is visibly sunk, its trade remarkably stagnated, and numberless families reduced to extreme poverty and wants and praying, That they may be brought to punishment.

Town of Maidstone.

Setting forth, That the Petitioners, with the deepest concern, represent their present miserable condition, from the great decay of their trade, in common with the rest of this kingdom, by the languishing state of public credit; occasioned by the infamous practices of the late South Sea Directors, jointly with other persons in higher stations, to plunder the nation, and enrich themselves by the ruin of their fellow subjects; by which means such a stop hath been had to the circulation of money, that, at this time especially, when the duty of hops, the great commodity of those parts, is called for, the payment of it will be attended with so much difficulty and hardship, that many families thereby will be rendered destitute of almost a necessary subsistence: And praying relief.

City of Westminster.

Setting forth, That the Petitioners are deeply affected with the calamity brought upon the inhabitants of that city, and upon the nation in general, by the wicked execution of the late South Sea scheme, and the great oppression which the subscribing proprietors of the public, and especially of the redeemable debts, now lay under; to the ruin of very great numbers of the trading inhabitants of that city: And praying, That justice may be done to an injured nation, and reparation made to the unhappy sufferers.

City of York.

Setting forth the deplorable state of the nation, occasioned by the vile practices, insatiable avarice, and pernicious contrivances, of the late Directors of the South Sea Company, their aiders, abettors, and accomplices; and of the general decay of public credit, and trade, throughout the nation; and acknowledging, with the utmost gratitude, the great care and pains this House hath taken towards the relief of the unfortunate, and to discover the scheme of wickedness, notwithstanding the arts and contrivances of some of the confederates to conceal the same: and praying, That the House will proceed to satisfy the justice of the nation; and to take such methods as they shall judge proper for restoring commerce, and public credit.

County of Chester.

Setting forth, That the Petitioners have daily experience of the calamitous and mischievous effects of the mismanagement, avarice, and boundless ambition, of the late Directors of the South Sea Company, their aiders, abettors, and confederates, in the intended destruction of their country: That the Petitioners cannot enumerate the various misfortunes which have attended this wicked project; but find they have just cause to lament the small export and consumption of the manufactures and product of this kingdom, the great decay of trade, as well as the loss of public credit: That they submit whether such grievances may not be the overthrow of their happy constitution, if not timely redressed: and praying, That such measures may be taken as may make trade flourish, credit be restored, and justice done to an injured people.

Borough of Shrewsbury.

Setting forth, That they are deeply affected with the present calamities that many thousands of families in this nation labour under, from the impositions, and fraudulent practices of the late South Sea Directors, their aiders and abetters, by the corrupt management of the stock of the Company, for their own private advantage, to the great decay of trade, the sinking of public credit, and the utter ruin of many of their fellow subjects; and returning their thanks to the House for their unwearied endeavours to deliver the unhappy sufferers, lay open the vile mystery of iniquity, and remedy the evils: And praying the continuance of the same, for the discovering and punishing the authors and contrivers of these misfortunes, suitable to the nature of their crimes.

County of Dorset.

Setting forth, That from the treacherous practices of the late Directors and Managers of the South Sea Company, and of those by whom they have been guided and influenced, not only the credit of this flourishing, and once happy nation, is almost, if not irretrievably lost, and thereby the rents, and revenues, trade, and commerce, of the kingdom, become precarious: but also a great number of innocent people have been seduced, and led away by them, to the utter ruin of themselves, and those who have depended upon them: and praying relief.

City of Bristol.

Setting forth, That the Petitioners being truly sensible of the extraordinary care, and diligent endeavours, that have been used to discover, and bring to condign punishment, those voracious Robbers of their Country, and Mismanagers of the South Sea stock, and their accomplices; who, to aggrandize their families, have unjustly amassed vast sums of money, destroyed our credit, and ruined many thousands of their fellow subjects: and praying, That no man's greatness, ill-gotten riches, or flight from justice, may screen him from public punishment.

Borough of Oakhampton.

Setting forth, That the great decay of trade in that borough, and places adjacent, depending altogether on the woollen manufactures, is in a great measure, owing to the avarice and corrupt practices, of the late Directors of the South Sea Company, and their confederates; who have been the chief instruments of turning stock in trade into the mischievous practice

of stock-jobbing; and, in defiance of law and justice, have departed from all rules of honesty, and are now become remarkable only for their being vile; and praying, That the instances for bringing over their late cashier, Mr Knight, may be continued, and that the great oppressors of an injured people may be punished.

Borough of Maldon.

Setting forth, That the many calamities, which have ensued from the fraudulent contrivances and practices of those who were chiefly concerned in the management of the affairs of the South Sea Company, and their accomplices, have affected the petitioners as well as the rest of the kingdom: and praying relief.

City of Exeter.

Setting forth, That the petitioners groan under the weight of so heavy a calamity, as the late evil and destructive management of the South Sea scheme hath brought upon the nation; in the execution of which, a set of wicked men, to the everlasting reproach of the English name, have imagined, contrived, and almost compassed the death of the commonwealth, if the loss of money, trade, and credit, may be so called: and praying, That the zealous endeavours taken to deliver this country out of so grievous a calamity may be continued.

County of Bucks.

Setting forth, That the petitioners, having seen their country, which, about one year since, was in as flourishing a condition as possible; especially in respect of trade, manufactures, and the public credit; reduced, in little more than half that time, to the lowest degree of misery and distress, occasioned by the avarice, fraud, and corruption of the South Sea Company: and praying relief.

Borough of Agmondesham.

Setting forth, That they have a just sense of the sad circumstances, wherein all sorts and degees of men amongst them are involved; and of those piercing cries, and loud complaints which diffuse themselves far and wide: and are heard with grief, in every corner of our once happy island; does constrain them to implore the House to continue its utmost endeavours, that all possible reparation may be made to the poor sufferers; and that the authors and instruments of their ruin may be brought to condign punishment: and praying relief.

County of Middlesex.

Setting forth, That it is with the greatest concern that the petitioners have observed the many misfortunes and calamities that have, of late, befel the nation in general, and many inhabitants in that county in particular, by the mismanagement, avarice, and corruption, of the late directors of the South Sea Company, their aiders, abettors, and confederates; whereby the trade and credit of this kingdom has been in the greatest decreased: and praying relief.

County of Somerset.

Setting forth, That the petitioners, oppressed with the universal calamity brought upon the nation in general, by the mismanagement, avarice, and fatal contrivances, of the late directors of the South Sea company, their authors, abettors, and confederates, think themselves obliged to represent the present condition of that once flourishing county. such is the decay of their trade, that their woollen manufactures, the riches and support of the kingdom, but of that county in particular, are, in a manner, entirely laid down; and many substantial and wealthy families are reduced to difficulties, for want of employment in the clothing trade: and praying, That such measures may be taken, that trade may flourish, and justice done to an injured nation.

County of Somerset.

Setting forth, That it was a great pleasure and satisfaction to the petitioners, to observe the vigilant endeavours and noble designs, that were taken last session to discharge the public debts; and thereby to support the credit of the nation; and to restore trade to its former flourishing condition, on which many populous places in that county do chiefly depend: but they find to their great grief and surprize, those good designs are made abortive by the villainous and corrupt practices of those that were entrusted therewith, and their secret confederates; who have not only endeavoured to deprive the public of what had been done for it, but have actually ruined many thousands of private families, and shook the very credit of the nation, to answer their avaricious and ambitious designs: and praying, That restitution may be made to an injured state and deluded people.

Town of Beverley.

Setting forth, That the petitioners, amongst the rest of a distressed people, beg leave to represent their detestation and abhorrence of the vile practices and scandalous proceedings, of the late directors of the South Sea; who have abused the trust reposed in them for the common good, and taken the advantage of the the ignorance and credulity of multitudes, to the ruin of them, and no less to the detriment of the whole nation; since a general decay of trade, failure of manufactures, and loss of credit is the consequence. and praying relief.

Borough of Boston.

Setting forth, That they think it their duty to represent the unparalleled miseries and misfortunes which they, and their neighbours, the growers of wool, in that county, and the rest of their unhappy fellow-subjects, labour under, by the general decay of trade, manufactures, and publick credit; which sad effects,

they have just reason to believe, are occasioned by the insatiable avarice and ambition of the late directors, and other officers of the South Sea Company, their advisers, aiders, and confederates; who to gain immense estates and grandeur to themselves, and families, have, in such prodigious and unexampled manner, broke the great trust and confidence reposed in them, as to bring their native country into imminent danger of ruin and destruction: and praying, That such measures may be taken, that trade may flourish and public credit be restored, as well as justice done to an injured people.

County of Warwick.

Setting forth, That the petitioners crave leave to represent the unparalleled grievances of a plundered people: who, by the avarice and rapine of a set of parricides, are reduced, from the most flourishing condition, and that in the space of one year only, to as deplorable a state of calamity and distress as they ever yet suffered by any civil tumult, or foreign war: it is to the late treacherous managers of the South Sea Company, their abettors and confederates, that they owe the loss of public credit, the present deadness of trade, and the utter ruin of many families; who, from great affluence and esteem, are sunk at once into poverty and reproach; such a scene of misery must very sensibly affect every true lover of his country, to cry aloud for vengeance: and praying relief.

Liberty of St. Albans.

Setting forth, That the great decay of trade and credit, and the unspeakable desolation of their country by the late South Sea directors, their agents and abettors, will not suffer them to be silent, while they see the detestable authors of their misery remain unpunished, and thousands of honest families daily overwhelmed in ruin: and praying relief.

County of York.

Setting forth, That the petitioners think themselves obliged to return thanks to the House, for their inquiry into the evil practices, and perfidious management of the late South Sea directors and their associates; and for the tender regard they have shewed to their present misfortunes occasioned thereby, which are no less than the decay of trade, the loss of public credit, the ruin of innumerable families, and the dishonour of the British nation: and praying relief.

Borough of Leeds

Setting forth, That the petitioners crave leave to represent to the House the deplorable condition of that town, from the miserable decay of trade, and of private as well as public credit; the fatal effects whereof they most sensibly feel, and deeply lament: that the late directors of the South Sea Company, and their accomplices, have by their mysterious contrivances, insidious schemes, and delusive overtures, brought upon them the afflicting misfortunes they now labour under: and praying relief.

City of Canterbury.

Setting forth, That the Petitioners are very sensible of the general decay of trade, and other public calamities, of this nation; which are the sad consequences and effects of the delusive schemes, subtle contrivances, and wicked practices, of the late Directors of the South Sea Company, their encouragers, aiders, abettors, and confederates, to advance and enrich themselves, and gratify their own boundless ambition and avarice, by the utter ruin of their country: and praying, That their estates may be applied to make restitution towards the relief of the poor unhappy sufferers.

Town of Birmingham.

Setting forth, That trade amongst them is wonderfully decayed, by which the poor are reduced to unspeakable miseries and want; and, if it were in a flourishing condition, they want money to carry it on, and to pay the poor workmen for their labour, as they ought to do. These their calamities they firmly believe to be wholly owing to the decay of public credit, occasioned by the mismanagement, avarice, and fatal contrivances, of the late Directors of the South Sea Company, their aiders, abettors, and confederates, who have thereby put them in very great danger of the destruction of once the most flourishing nation in the world: and praying relief.

Town of Bedford.

Setting forth, That the Petitioners do, with the utmost grief and concern, behold the decay of trade in that corporation, and hear of complaints of the same from all parts of this kingdom; occasioned by the wicked devices of the late South Sea Directors, and their accomplices, in deluding many of his majesty's subjects, to their total ruin, with the false representations of gain: and praying, That the authors may be punished.

County of Bedford

Setting forth, That the Petitioners do, with great concern, behold the decay of trade, and the languishing condition it is now in, throughout the county of Bedford, and the rest of the kingdom; the occasion of this is the want of money, the life of all commerce; which has been drained from them by the pernicious arts and management of the late directors of the South Sea Company, and their accomplices: and praying, That the authors may be brought to condign punishment.

City of Durham.

Setting forth, That the Petitioners are sensibly affected with the miserable condition this nation is reduced to, in the decay of trade, and loss of public credit; occasioned by the unheard

of avarice, and wicked practices, of the late Directors of the South Sea Company, their accomplices and abettors: humbly implore the House to continue to lay open this scene of iniquity. And praying, that the authors may be brought to condign punishment.

City of Chester.

Setting forth, That the Petitioners, under a deep sense of the deplorable state and condition the nation in general is brought into, occasioned by the vile practices and contrivances of the late Directors of the South Sea Company, their aiders, abetters, and confederates, cannot but with great regret and concern lament the many mischiefs and calamities they of that ancient city now labour under, chiefly owing to the great decay of trade, and loss of public credit; and praying, That the authors may be brought to condign punishment.

County of Pembroke.

Setting forth, That the public credit of the nation hath been destroyed by the infamous practices of the late Directors of the South Sea Company, and their accomplices: and praying that those detestable parricides be brought to condign punishment.

Borough of Tamworth.

Setting forth, That their decay of trade, and the want of vent for their commodities, is occasioned by the destructiveness and scandalous, corrupt, management, of the South Sea scheme, to the ruin of public as well as private credit, the impoverishment of a great number of persons: and praying, That proper measures may be taken for the encouragement of trade, the redress of all their grievances, and for the preventing the like corruption for the future.

County of Leicester.

Setting forth, That they can never enough magnify the justice of parliament, in detecting the villainy of a set of men who have ruined the credit of their country, under the specious name of paying the public debts: so neither can they sufficiently abhor the impudence of some, who, under the pretence of advancing public credit, would prevent the payment of those debts: and praying, That public justice may be applied to public roguery, and make them, and them alone, restore, who have had their share in the plunder.

City of Litchfield.

Setting forth, That the decay of trade, and the complaints of the poor manufacturers, proceeds from the vile and scandalous management of the Directors of the South Sea scheme, their aiders, abettors, and accomplices; whose deceit, avarice, corruption, and imposition, of all kinds, have been such as no nation ever suffered, or time produced: and praying, That the same true spirit, which attended the parliament at the beginning of this great and good work, may still continue with them, to the completing of it.

Borough of Aylesbury.

Setting forth, The misery that they in common with the rest of their fellow subjects, at present groan under, from the total decay of trade and credit of these kingdoms; and that nothing can conduce more effectually to the retrieving the unhappy condition of these nations, than a vigorous pursuit of justice against those who have been the authors and contrivers of our present misfortunes: and praying, That impartial justice will be done, without distinction of persons.

City of Oxford.

Setting forth, That they are deeply concerned at the loss of public credit, the decay of trade, and the miseries that have been brought upon us by the wicked and pernicious practices of the late directors of the South Sea, and the more corrupt and evil counsels of their aiders and abettors. and praying that the betrayers of their country, how great or how many soever, may be brought to speedy and public justice.

Borough of Reading.

Setting forth, That to see our national credit, which hath always been esteemed sacred and inviolable, and stood the stock of all times, had in so little regard; and the creditors thereof plundered, instead of being justly paid; to find a glorious prospect and opportunity of lessening our public debts, which have been a long and heavy weight on the true national interest, frustrated and disappointed by the selfish views of ambitious men; are truths too clear not to be seen, and of too much consequence not to be complained of; these, and all our present grievances, are justly to be attributed to the treacherous and destructive execution of the South-Sea scheme: and praying, That no endeavours may be wanting to bring all offenders, and betrayers of their country, to due punishment.

Town of Cambridge.

Setting forth, That being deeply sensible of the deplorable condition this nation at present is in, by the villainous management of the late South-Sea directors, their aiders and abettors: which has almost intirely destroyed the trade, and, consequently, the public credit, of this kingdom: and praying, That all endeavours will be used to bring the guilty to condign punishment.

City of Lincoln.

Setting forth, That the general calamity of this nation, by the want of trade, loss of public credit, and the scarcity of money, attended with the lamentable complaint of a vast number of suffering persons, occasioned by the fraudulent practices of the late directors and managers of the South-Sea Company, obliges us to set forth, that notorious Scheme of

Roguery, and deceit of a body of men joined together, in such a pernicious design: And praying, That effectual care will be taken in the discovering and punishing all the offenders, aiders, and abettors, in this grand and wicked undertaking.

Borough of Chipping Wycombe.

Setting forth, That the inexpressible calamities they now lie under, by the decay of trade and credit of this once flourishing kingdom, now reduced to the utmost degree of misery, by the vile and scandalous practices of the late South-Sea Directors, their aiders and abettors; And praying, That a vigorous inquiry may be made, to bring to justice, and deserved punishment, the authors and contrivers of these unparalleled grievances.

Borough of Abingdon.

Setting forth, That they are infinitely concerned at the deplorable and melancholy condition to which this nation is reduced by the general decay of trade, manufactures, and public credit; occasioned by the fatal practices of the late directors of the South-Sea Company, and their perfidious accomplices: and praying, That proper measures may be taken, that trade may flourish, public credit be restored, and justice done to an injured people.

Town and Port of Hastings.

Setting forth, That the Fishery, which, for ages past, hath been the chiefest support of this and many other maritime towns, is now reduced to a very low ebb, through the power vested in the late directors of the South-Sea Company, their advisers, aiders, and abettors: and praying, That such measures may be taken to bring them to condign punishment.

Borough of Haslemere.

Setting forth, That the villainous practices of the late directors of the South-Sea Company, and their abettors, have occasioned a great decay of trade, and scarcity of money; and without a brisker circulation of which, the worst of consequences must inevitably ensue: and praying, That those Monsters of Pride and Covetousness may be detected, and punished.

Borough of Southwark.

Setting forth, That they cannot but be sensible of the misery brought on this nation, by the evil intentions, and worse practices, of the late Directors of the South Sea Company, their accomplices, aiders, and abettors; by which many thousands have been reduced to misery and want: and praying, That the Robbers of their Country, of what degree or quality soever, be punished; and that trade may be restored, and credit revived.

City of Hereford.

Setting forth, That the general decay of trade, and the dismal calamities brought upon the nation, by a set of wicked and avaricious men, who, to accumulate wealth to themselves, have utterly ruined many thousands of their countrymen: and praying, That a firm course of justice will be taken to deter persons of all degrees from engaging in any such designs for the future.

Borough of Aldeburgh.

Setting forth, That the universal decay of trade and credit, which this nation at present labours under, occasioned by the notorious management of the late South Sea Directors, their agents and confederates: and praying, That the authors of these calamities may be brought to condign punishment.

Borough of Derby.

Setting forth, That the general decay of trade, manufactures, and public credit, are the sad effects of the mismanagement, boundless ambition, and pernicious practices, of the late directors of the South Sea Company, their aiders and accomplices: and praying, That such further measures may be taken, that trade may flourish, public credit be restored, and justice done to an injured people.

Borough of Cirencester.

Setting forth, That they being chiefly employed in the woollen manufactures, the preservation of which is very essential to the wealth of this kingdom; and that the same is reduced by the villainous execution of the late pernicious South Sea Project: and praying, That justice may be done to those Betrayers of their Country, who have been the occasion of these fatal mischiefs.

Borough of Appleby.

Setting forth, That they being touched with a most compassionate sense of the great and inexpressible calamities brought upon this kingdom, by the diabolical artifices of the South Sea Directors, and their confederates: and praying, That those which have been the ruin of our late most flourishing trade, and public credit, be brought to condign punishment.

County of Surrey.

Setting forth, That they would appear totally insensible of the universal calamity of their country, and, in some degree, consenting to the guilt of the late infamous Directors of the South Sea Company, and their aiders and abettors, should they any longer refrain from declaring their utmost abhorrence of those detestable machinations, and vile practices, which have brought a most flourishing nation under the utmost difficulties and distress: and praying, That just measures will be taken for the restoring credit, and doing justice, to an injured people.

Town and County of Southampton.

Setting forth, That they are brought into a very low condition by the great decay of trade, occasioned chiefly by the wicked practices of

same covetous persons, who have diverted great part of the wealth of the nation out of its proper channel, and taken it to themselves: and praying, That those who have been accessary to the general calamity be brought to exemplary punishment; and that some speedy method may be provided for the reviving of trade.

Borough of Stamford.

Setting forth, That they declare their utmost detestation of the crimes of the late Directors of the South Sea Company, their agents and accomplices, who have been the ruin of both public and private credit, discouraged industry, and rendered them in such a condition as otherwise would not have been known to the trading people: and praying, That such measures may be found as may be judged most proper to discourage, and, in due time, bring all the criminals to just punishment.

Borough of Sudbury.

Setting forth, That the corrupt and enormous practices of the late South Sea Directors, their confederates and assistants, and the mischievous consequences of their detestable schemes, have very much contributed to the present decay of trade, and public, in general; the fatal effects of which have been no where more sensibly felt, than by those whose dependence chiefly consists in the woollen manufactures for exportation: and praying, That care may be taken to revive the languishing trade, and re-establish public credit, and in bringing to exemplary punishment all the authors of these calamities.

Borough of Westbury.

Setting forth, That bearing so great a share of that extensive calamity this poor and distressed nation groans under, by the boundless avarice, and corrupt practices, of the late Directors of the South-Sea, their aiders, abettors, and confederates, who have occasioned the great decay of trade in the woollen manufacture: and praying, that relief may be given therein by giving encouragement to trade, redressing their grievances, and restoring of public credit, and doing justice to an injured nation.

Town and Borough of Pontefract.

Setting forth, That the loss of trade, occasioned by the dark schemes, and vile practices, of a set of men who have engrossed a great part of the treasure of the nation into their hands, to the utter ruin of a great many families: and praying, That proper measures may be taken to revive trade, and give restitution to the oppressed.

Borough of Colchester.

Setting forth, That out of a deep sense of the miseries of many unhappy families, deluded and undone, by the unparalleled fraud and corruption of the late Directors of the South-Sea Company and their secret accomplices, and the fatal wound that has been given to public credit, by their concern, as well as indignation, against the infamous betrayers of their country, and praying, That such further measures may be taken to relieve trade, restore credit, and punish the vile authors of these mischiefs, as shall be judged necessary.

City and County of Coventry.

Setting forth, that by the schemes of the late traiterous Directors of the South-Sea, and their accomplices, who have been the occasion of an impoverished people, the lessening of credit, and sinking of trade, that many artificers in their woollen manufactures cannot be employed: and praying, that proper measures may be taken to revive trade, and restore credit and punishing the offenders thereof.

Town of Barnstable

Setting forth, That being sensible of the complication of miseries brought upon the whole nation by the unparalleled attempts, and insatiable avarice, of the late South-Sea Directors, and their abominable accomplices: and the great damage done to trade; and the sinking of public and private credit: and praying, That trade may be revived, public credit restored, and the contrivers thereof punished.

Borough of Richmond.

Setting forth, that they being sensibly affected with the calamities themselves and fellow-subjects labour under, by the decay of trade, the ruin of public credit, and the weight of the national debts: occasioned by the late South Sea Directors, their aiders, and abettors, as the sole authors of these misfortunes: and praying, That public faith may be revived, trade increased, and those parricides brought to punishments adequate to their crimes.

County of Derby.

Setting forth, That they beg leave to express their concern for the unspeakable miseries this once flourishing nation is reduced to, by the corrupt management of the late South-Sea Directors, their agents and abettors; who, notwithstanding the immense sums they have cheated the nation of, have yet the confidence to conceal their estate and effects: and praying that trade may be revived, public credit restored, the grand corruption detected, and no obstacle to hinder the plunderers of the public from being brought to speedy justice.

Borough of East Retford.

Setting forth, That being deeply affected with concern for the calamitous condition to which they see this nation exposed, by the pernicious and wicked execution of the South Sea Scheme which has decayed their impaired credit, and drained away the money: and praying, That this nation may be restored to a flourishing condition, and become the resort of credit: and that the offenders may be brought to condign punishment.

Borough of Evesham.

Setting forth, That they are deeply sensible of the deplorable estate of this kingdom, occasioned by the wicked and deliberate contrivance of the South-Sea Directors, in concurrence with those who trusted and employed them: and praying, that endeavours may be used to detect, and punish, such unparalleled crimes, and the authors thereof.

Borough of Newark upon Trent.

Setting forth, That never was the cry more universal, or the occasion more important, to see a whole kingdom deluded, impoverished, and affronted, by the wicked contrivances and machinations of the late infamous Directors of the South-Sea: and praying, That this House will persevere in the course they have begun, in detecting, and punishing, all offenders, of what title or quality soever.

Borough of Newbury.

Setting forth, That they having a just abhorrence of the late villainous contrivance of the betrayers of their country, the deplorable state and uncommon miseries they labour under, by the fatal decay of trade, manufactura and public credit: and praying, that this House will proceed to punish the betrayers of their country.

City of Norwich.

Setting forth, That they retain the deepest sense of the great encouragment given to their manufacture; and, emboldened by so many great and signal favours conferred upon them, humbly beg leave to represent to this honourable House the calamitous condition of this once flourishing city; occasioned by the decay of trade, and loss of public credit; a distress brought upon them by the wicked contrivance, and execrable villany, of a few miscreants, the late South Sea Directors, their aiders and abettors: And praying, that such measures may be taken as this House, in their great wisdom, shall think proper, to punish those offenders, who have been the ravagers of this nation, and whose greatness is built upon the ruin of their country.

Borough of Newcastle under Line.

Setting forth, That they being under a deep sense of the present misery, ruin, and confusion, brought upon them by the villainous and detestable practices of the Directors of the South Sea, their powerful aiders and abettors, and praying, That this House will persevere to make all the authors of their calamities, how great soever, an exemplary sacrifice to the loud cries, and just expectation, of a deluded and injured people.

Borough of Warwick.

Setting forth, That the miseries brought upon this nation by the late South Sea Directors, and their accomplices, is not to be wondered at, that the many fatal effects of so vile and artful a conspiracy should give difficulties to the wisest counsels, but they have the utmost confidence, that neither the depth of their crimes, nor the greatness of the criminals, will be able to elude the justice of this House: And praying, That this House will continue to take such measures as may best conduce to the restoring public credit, the recovering trade, and doing justice to an injured nation.

Borough of Oxford.

Setting forth, That under the general misfortunes, they cannot but express their concern and testify their abhorrence of those fatal projects and schemes, by which they have been occasioned; and see their country pillaged and destroyed, its trade oppressed and ruined, and its credit sunk and lost, without crying out for justice. And praying, That this House will take such measures as may be proper to restore credit, revive trade, and doing justice to an injured nation.

Report from the Committee appointed to inquire into the Value of the Estates of the South Sea Directors.] April 17. Sir Thomas Crosse reported from the Committee, to whom it was referred to examine the several duplicates of the inventories or particulars of the estates of the late sub-governor, deputy governor, directors, deputy cashier, and accountant, of the South Sea Company, delivered into this House; and to make estimates of the balances of the said several duplicates; That the Committee had considered the matter to them referred; and had made an estimate of the balances of the said several duplicates; which they had directed him to report to the House; and he read the same in his place as follows; viz

"In obedience to your order of the 27th of March last, whereby the said several duplicates of the inventories and particulars were referred to the consideration of a Committee,

"Your Committee, for that purpose appointed, in pursuance of the said order, have employed some part of their time in the inspecting and considering several of the said inventories and particulars: And, finding all or most of them to contain different methods in the computations of the said estates; and setting forth generally the particulars of their several estates as they were upon the first day of June last; and then carrying on a diary, or journal account, of their several transactions, from that day to the time they delivered in their inventories to the barons of the exchequer, pursuant to the act of parliament in that behalf.

"Your Committee found it impossible, or at least exceedingly difficult, to represent to the House the just balances of their respective accounts, over and besides the debts, and other engagements, wherewith their estates are said to be charged and affected:

"Therefore your Committee, the better to

clear up this difficulty in the most expeditious and certain way, and to put this matter in the fullest light that could be, for the information of the House, made several orders, whereby the said sub governor, deputy governor, directors, deputy cashier, and accountant, were ordered to lay before your Committee an account of the present estimate, or value, in money, of their several real and personal estates, contained in the said inventories or particulars, in the most summary manner; and that, in such estimate, or valuation, they should estimate, or value their Bank stock, South Sea stock, and East India stock, at 150 per cent. one with another; their Bank and Lottery Annuities, lottery tickets, exchequer orders, East India and South Sea bonds, at par; their Long Annuities at 20 years purchase; their Short Annuities at 14 years purchase; and their other stocks and securities as they were currently sold for, or valued at, upon the 25th day of March last:

"That, in pursuance of the aforesaid Orders, the said sub-governor, deputy-governor, directors, and deputy cashier, attended your committee, and left with them abstracts, in writing, of the estimated Values in money, of their several real and personal Estates, comprised and mentioned in their said respective inventories and particulars; and have balanced the same in such manner as that the said several balances may be taken as clear money, over and besides what they severally owe, or are indebted, except some contracts for lands, and other things, which are under contest; and over and besides such settlements and provisions as they allege to have been made for their respective families: and Mr. Grigsby, not being able to attend the committee, sent his abstract, and balance, in the same form as the other all which balances, amounting, together, to the sum of 2,014,123*l.* 16*s.* 7¼*d.* your committee have inserted in a schedule, and annexed the same to this their report, shewing what each person's particular balance amounts to.

"Your committee craves leave to inform the House, that sir John Lambert having attended them, on the third day of April, with the abstract of his estate, and thereby stated his balance to be 72,508*l.* 1*s.* 5*d* he afterwards, on the 6th of April, attended again, and alleged, That he was mistaken in his said abstract, and desired your committee to receive a supplemental paper, by which he would have reduced his balance, as delivered in as before, 22,610*l.* 8*s* 4*d*; and thereby the said balance of 72,508*l.* 1*s.* 5*d* would have been not more than 49,897*l.* 13*s.* 1*d.*: but, your committee, foreseeing the inconveniencies that might probably arise to them from others, by their receiving such paper, thought fit to reject the same, and to take only a minute thereof, to enable them to represent the fact to the House.

"As to the other part of your order, whereby your committee are directed to make their observations upon the said inventories and particulars; your committee have taken to inform the House, That the said inventories and particulars, are in themselves so voluminous, consist of such variety of transactions and things, such great numbers of persons must necessarily be examined, and so many difficulties will naturally arise, that your committee humbly observe to you, that they cannot, in any reasonable time, make such proper observations as will answer the intention and expectation of the House.

All which your committee humbly certify, and submit to the judgment of the House.

A Schedule of the Balances.

Sir John Blunt	185,349	10	8¾
Mr. Edmondson	5,365	0	0
Mr Hawes	40,031	0	2¾
Sir Wm. Hammond	22,707	4	2
Mr. Raymond	64,373	6	3
Mr Gore	38,936	15	5
Mr. Read	7,297	16	0
Mr. Chester	140,372	15	6
Mr Houldsworth	39,527	10	4
Sir Robert Chaplin	45 375	14	5
Mr. Reynolds	18,368	12	2¾
Mr Delaport	17,151	4	6
Mr. Gibbon	106,543	5	6
Mr. Page	54,817	12	5¾
Sir Wm Chapman	39,161	6	8¾
Sir John Lambert	72,508	1	5
Mr. Grigsby	31,687	6	0
Mr. Tillard	19,175	14	4
Mr. Surman	112,321	10	0
Sir Jacob Jacobson	11,461	4	0
Sir John Fellows	243,096	0	6
Sir Lambert Blackwell	35,529	17	11
Sir Theodore Janssen	243,244	3	11
Mr. Joy	40,105	2	0
Mr. Ingram	16,795	0	0
Mr. Eyles	54,329	16	7
Mr. Sawbridge	77,254	1	8
Mr. Morley	1,869	10	3
Mr. Horsey	19,962	5	3
Mr. Child	52,437	19	1
Mr. Astell	27,750	19	8¾
Mr. Turner	831	17	6
Sir Harcourt Master	11,814	12	3¼
Total	2,014,123	16	7¼

Petitions of the South Sea Directors for Compassion.] April 20. Five Petitions of Francis Eyles, Richard Horsey, William Astell, James Edmondson, and of William Tillard, late Directors of the South Sea Company, setting forth the case of the several Petitioners, and praying the Compassion and consideration of the House, according to their respective circumstances, were severally presented, read, and ordered to lie on the table, and Mr. Brodrick, having acquainted the House, That the Committee of Secrecy, since their former Report had come to a further knowledge of some matters, and were ready to lay a farther Report before the House, at such time as the House should appoint: it was ordered, that the said Report be received the next morning.

THIRD REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH-SEA COMPANY.] April 21. After the reading of six Petitions of as many of the late Directors, and of a seventh of John Grigsby, late accomptant general of the South-Sea Company, praying the consideration and compassion of the House. Mr. Brodrick presented the said Report; and afterwards delivered it in at the clerk's table: Where the same was read; and is as followeth; viz.

THIRD REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.

That the Committee of Secrecy appointed to inquire into all the proceedings relating to the execution of an act, passed the last session of parliament, intitled, "An Act for enabling the South-Sea Company to increase their present capital stock, and fund, by redeeming such public debts and incumbrances as are therein mentioned; and for raising money, to be applied for lessening several of the public debts and incumbrances, and for calling in the present Exchequer-Bills remaining uncancelled; and for making forth new bills, in lieu thereof, to be circulated and exchanged, upon demand, at or near the Exchequer;" have proceeded further in the examination of the matters referred to them: And, observing, that, upon their former Reports, it was thought proper, that the examinations referred to by your Committee, should be laid before the House; and several other matters appearing to your Committee fit for the consideration of the House, your Committee report the same in the words of the examinations themselves, and according to the papers laid before your Committee.

Your Committee, in a former Report, acquainted the House, That the indisposition of Edmund Waller, esq had prevented their laying before the House, in that report, a more particular account relating to the sum of 794,451*l* 15*s* 9*d*. received and paid, by Turner and Company, upon the account of the said Mr. Waller, between the 28th of March 1719, and the 21st of November following: And, having since, viz. on the 22d of March 1720, examined Mr. Waller, he saith, That he did, from time to time, settle accounts with Mr. Aislabie, his father-in-law, of his transactions in money and stock for him, and has not any account thereof. That he did keep some memorandums of his said transactions in a book, which book he has since torn; but says, That he did keep a copy of his accounts with the Sword-Blade Company: That he has, from time to time, destroyed all his papers and memorandums relating to his transactions for Mr. Aislabie. Says, He cannot tell what dealings he has had in stock for Mr. Aislabie; but that far the greatest part of his transactions in stock were upon his own account: That 44,000*l*. part of the balance of 77,000*l*. due from the Sword-Blade Company, is the Examinant's own money; and the remaining 33,000*l*. belongs to Mr. Aislabie: Being asked, Whether, at the time of his beginning to deal in stock, he was possessed of a considerable sum of money of his own, he refused to answer; alledging, it was his own private concern.

Your Committee afterwards received a letter from the said Mr. Waller, dated the 19th of April instant; wherein he desired to be again examined, to clear up any mistakes, if there were any, in his former examination, and to give the Committee the best information he could: Whereupon your Committee did take his further examination; which is as follows;

He says, That, in February or March 1719, when he began to deal in stock, he had of the money of his mother, his brother, his own, and his wife's fortune, about the sum of 20,000*l*. of which his wife's fortune was 5,000*l*. which he had in bank notes; that he employed the said 20,000*l* in buying stock. That he cannot tell how much of the 20,000*l*. was his own money. That he never kept any account in writing of that part of the said 20,000*l*. which belonged to his mother and brother, but that he has told them, what belonged to them. That his mother and brother gave him leave to employ their money in stock, but he never had any order in writing from them for that purpose, but has paid them several sums of money upon account thereof, and never took any receipt, order, or other writing from them concerning the same; that he has also transferred some bank stock to his brother. That the tearing of his books mentioned in his former examination, was at several times, the last of which was about the 22d of August 1720.

And your Committee inform the House, that the said Mr. Waller, upon his said further examination, did declare, that there was not in the said book any article relating to Mr. Aislabie; but this appearing to be in direct contradiction to what he had said in his first examination, your Committee did not insert the same in this subsequent examination, signed by the said Mr. Waller, but think it proper to represent this matter to House the.

Your Committee having, in a former report, taken notice, that James Craggs, esq. had 30,000*l*. South-Sea stock taken in for him, or his friends, they sent for an account of transfers made to the said Mr Craggs, which was accordingly laid before them, a copy of which account is hereunto annexed in the Appendix, No. 1, by which your Committee find, that (among other great sums) there was on the 28th of March 1720, a sum of 30,000*l*. stock transferred by Mr. Jacob Sawbridge (one of the partners of Turner and Company) to the said Mr. James Craggs.

And your Committee proceeded to examine the following persons concerning the transfers.

Mr *Jacob Sawbridge* (late one of the directors of the South-Sea Company, and a partner

with Turner and Company) says, that in the beginning of February 1719, by order of Mr. Robert Knight, late cashier of the South-Sea Company, or Mr. Robert Surman his deputy, Turner and Company took in 30,000*l.* South-Sea stock, and gave Mr. Knight, or Mr. Sorman, a note for the same, at which time Mr. Knight paid into Turner and company 67,020*l.* 1*s.* 8*d.* upon the general cash account between the said Turner and company, and Knight or Surman as cashier of the South-Sea Company; and that on the 28th of March following, the examinant, by order of the said Knight or Surman, transferred the said stock to James Craggs, sen. esq. deceased, without receiving any money, or consideration from him for the same, and at the same time took up his said note, and believes it was upon the file, as other notes usually are. That he did, by the direction of this Committee the night before this examination, (which was on the 19th of April instant) search upon the file, and not finding it there, he went to sir George Caswall to enquire after the said note, and acquainted him that in searching for the note on the file, he could not find it there; whereupon sir George told the examinant, that he himself had the note not long ago, and believed it was in his scrutoire, and accordingly sent his lady to search for it; who returned while this examinant was there, and (as the examinant believes) brought several papers; upon which sir George Caswall told the examinant, he would look for the note, and send it to him the next morning, before he attended the Committee, if he could find it; but the examinant said, he had not than received it, nor had heard from sir G. Caswall.

Hereupon your Committee sent for sir George Caswall, who being examined says, that about six weeks since, James Craggs, sen. esq; the post-master, desired the examinant to look upon the files of Turner and company, for a note for the delivery of 30,000*l.* South-Sea stock, which had been signed by Jacob Sawbridge, (another of the partners of Turner and company, on account of himself and company) in these words, or to this effect:

'I promise to deliver to Robert Knight, or 'his order, or bearer, 30,000*l.* South Sea stock 'for value received,' and, (as he believes) was dated the 6th day of February, 1719, which note was cancelled, the stock therein mentioned, having been transferred to the said Mr Craggs, according to the import of the said note. That the examinant did desire the servants of Turner and company to look out this note, which they accordingly did, and found it cancelled, and on the file, and gave it to the examinant, who delivered it to Mr. Craggs, supposing he would only have read and returned it, but he kept it; saying, it might be of some use to him upon an occasion, upon which the examinant left it with him. That Mr Craggs, nor any body by his order, never returned this note to the examinant, nor has the examinant seen it, till the morning no which he was examined; that as he was coming the morning he was examined, to attend the Committee, to be examined, about Somerset-house, brigadier Richards called out to the coach, which stopped, and he came to the coach side, and Mr. Huggins with him, and Mr. Huggins then shewed the examinant the said note, with other papers annexed to it; but what those papers were, the examinant does not know; whereupon Mr. Huggins said, that he did not know but the examinant might be asked something about that note, and there it was, that the examinant very well remembers it to be the same note which he had before delivered to Mr Craggs as aforesaid, it being signed by Mr. Sawbridge, and the body of the note of the hand-writing of Mr. Knight; and Mr. Huggins then took the note out of the examinant's hand, and gave it to brigadier Richards, and told the examinant that he might tell the Committee that the brigadier had it, and would produce it; that two or three days ago Mr. Sawbridge inquired of him where this note was, and he not then recollecting whether it was in his custody or no, did give directions to his wife to search for it in his scrutoire, and found that he had it not, and says, that he knows nothing of his own knowledge of the transaction of this 30,000*l.* stock.

The said Mr *Surman* being examined, says, that it appears by books of Turner, Caswall, and company, that from the beginning of February 1719, to the 7th of March following, there was an account kept by them in the examinant's name, of sundry parcels of South-Sea stock, amounting to 125,000*l.* stock, for that use, and upon the account, of Mr. Knight, which account he believes to be true.

That by this account it appears, that upon the 5th of February 1719, Mr Knight paid to the said Turner and company the sum of 67,020*l.* 1*s.* 8*d* which he believes might be accordingly paid out of the cash of the South-Sea company; and at the same time Mr. Knight received from Turner and company, a promissary note, to transfer 30,000*l.* South Sea stock, value received.

That James Craggs, esq. of the post-office, sent for the examinant about six weeks ago, and (as he believes) after Mr. Craggs had been examined before this Committee, and told him, he believed, that he (the examinant) would be examined in relation to 30,000*l.* stock, which he (Mr Craggs) had of Mr. Knight; and he then produced an account, between himself and Mr. Knight, of South-Sea stock bought or taken in for him, by which it appeared that he was to have, upon balance, of Mr. Knight, 30,000*l.* South Sea stock, for which Mr. Knight, instead of making a transfer himself, gave him a note under the hand of Jacob Sawbridge, to transfer 30,000*l* stock, value received; which note Mr. Craggs shewed him cancelled, and (as the examinant believes) he had since this enquiry began, got it from Sawbridge, which is not customary, notes being always, when discharged, delivered up to the person, under whose hand they are, and should remain with them as vouchers.

The examinant says, he verily believes the said note of 30,000*l.* shewn him by Mr. Craggs, was the same note which Mr. Knight received from Turner and company, upon his paying them the before-mentioned sum of 67,020*l.* 1*s.* 8*d.* That during the time that the proposals of the South-Sea Company, and the bill thereto relating, was depending in parliament, he observed the said Mr. Craggs more frequently with Mr. Knight, than any body else, and believes he influenced Mr. Knight in many things relating to stock and subscriptions. That Mr. Craggs never mentioned this 30,000*l.* stock to the examinant, till since the said Mr. Craggs's examination before the Committee. He says, he had not any dealings with Mr. Craggs upon his own account, but that such transfers of stock, as he has made to Mr. Craggs, were made by Mr. Knight's directions; and particularly a sum of 4,000*l.* stock transferred the 4th of March 1719, (being part of the sums mentioned in the said Appendix, No 1) That he does not know that Mr. Craggs paid any money for this stock, and whether it was Mr. Knight's or the Company's stock, the examinant cannot tell.

Sir *John Blunt* being examined, says, that he was not privy to any of Mr. Craggs's transactions, but has very often seen him at Mr. Knight's. As to the 30,000*l.* stock mentioned in the account now produced to him, and said to be transferred to Mr Craggs by Mr. Sawbridge, he says, he can give no account thereof, save that he believes it is the same sum, mentioned in his former examination, to be held for the said Mr. Craggs. That he believes the said 30,000*l.* stock was bought by Mr. Knight, the 4th day of February 1719, upon his own account, and is not charged in the sold by the Company, till the 27th day of February, (which is the time that Mr. Craggs desired the quantity of stock, as the examinant has said in his former examination) from which time, till the 28th of March following, he believes it was held by the South Sea Company, for the benefit of Mr Craggs, to whom it appears to be transferred by Mr. Sawbridge on the said 28th of March. That Sawbridge and Company, were common names made use of by several persons, as trustees, to conceal the true buyers or sellers of South-Sea stock.

Mr. *James Grammer* being examined as to the sum of 2,000*l.* South Sea stock, transferred by him to James Craggs, sen. esq on the 4th day of February, 1719, he says, that he did on the 3d or 4th of February, 1719, sell 2,000*l.* South-Sea stock, and that sir George Caswall paid him the money for it That upon inspection of the transfer books of the South-Sea Company, on the day of his examination (being the 19th of April instant) he finds that he transferred the said 2,000*l.* stock to Mr. Craggs.

Your committee further represent to the House, that they have discovered that the said Mr. Craggs had very considerable dealing in South-Sea stock, with Mr Matthew Weymondsold, a broker, between the 30th of January 1719, and the 30th of May following, amounting to 45,000*l.* stock; an account whereof, as the same has been delivered to your Committee, by the said Mr. Weymondsold, is hereunto annexed in the Appendix, No. II. And your Committee examining the said Mr Weymondsold, he says, that on the 26th of February 1719, James Craggs, sen. esq. gave the examinant direction to buy 20,000*l.* South-Sea stock for him; that the examinant did accordingly buy on that day 10,000*l.* South-Sea stock, for Mr. Craggs, for 17,422*l.* 10*s.*, 4000*l.* of which was transferred by Mr. Surman to Mr. Craggs, the 4th of March 1719, by order of the examinant; for which stock the examinant received of Mr. Craggs the sum of 6,945*l.* and paid the sum to Mr. Surman, and the other 6,000*l.* stock the examinant delivered to Turner and company, by the order of and for the use of the said Mr. Craggs, and Turner and company paid the examinant, by Mr Craggs's order, 10,305*l.* for the same: That the examinant not buying the whole 20,000*l.* so soon as Mr. Craggs expected, the said Mr. Craggs told the examinant, that Mr. John Humphreys had bought for him the other 10,000*l.* That the examinant did, on the 4th of March 1719, by order of the said Mr Craggs, deliver to Mr. Knight, another sum of 10,000*l.* South-Sea stock, for the use of the said Mr. Craggs, and that Mr. Knight paid the examinant 17,000*l.* for the same, that two or three days afterwards, the examinant, by directions of the said Mr. Craggs, took of Mr. Humphreys the said 10,000*l.* South-Sea stock, which he had bought for Mr. Craggs, and paid him 17,500*l.* for the said stock, being the money which he (the examinant) had before received of Mr Knight as aforesaid.

Your committee, in the course of their enquiry, finding it necessary to be informed what quantities of stock James Craggs, sen. esq. deceased, had in his own right, at the time of his death, directed the proper officers of the South-Sea Company, East-India Company, and Bank of England, to lay before them accounts thereof respectively, to the end your Committee might put what relates to the said James Craggs in as clear a light as possible, before the House, which accounts are as follows, viz.

Stock in the South-Sea Company, 67,800*l.*
Stock in the East-India Company, 34,000*l.*
Stock in the Bank of England, 1 000*l.*

Amounting in the whole to 102,000*l.* capital stock: Accounts whereof are hereunto annexed in the before mentioned Appendix No. I, and in the Appendix No. III.

Your Committee finding that several brokers and others had been concerned in partnership with Mr. Knight, in buying and selling great quantities of South-Sea stock, and in giving out money for refusals, your Committee proceeded to examine the several persons following, relating thereto.

Mr. *Edward Owen* being examined, says, that he was concerned jointly with Mr. Holditch

and Mr. Knight, in buying about 20,000*l.* South-Sea stock, in December 1719, which he believes at the time of buying was to have been equally divided among them, but in a few days altering their mind, the same stock was sold out at 85*l.* loss.

That Mr. Knight some time after told the examinant, he had bought some stock for himself, and if the examinant would have a part of it, Mr. Knight said, he would deliver it to him at the same price he paid for it, and the examinant did accordingly take of Mr. Knight 6,000*l.* at 134 to 135, and 4,000*l.* at 177 to 178, which several prices he paid Mr. Knight by adjustment.

That Mr. Knight told the examinant he had had a transaction in South-Sea stock (as the examinant believes) by which Mr. Knight gained 2,500*l.* or thereabouts, and that he paid the examinant 1,215*l.* 10*s.* 0*d.* for his own use, telling the examinant, that it was his share of that profit.

He says, that at the shutting of the books, in December 1719, it was a general talk, that something would be done to mend the South-Sea stock, and that he then heard it was likely some proposals would be offered to the House of Commons relating to that matter: Being asked from whom he heard it, says, he believes he might have heard it from Mr. Knight, and probably from some of the directors.

That some time before Christmas 1719, there was a quantity of South Sea stock bought and sold, in which this examinant, Mr. Knight, and Mr. Strode, were concerned with Turner and company, by which transaction the examinant gained for his part (to the best of his remembrance) between 4 and 500*l.*

That after the shutting of the South-Sea books, in December 1719, Mr. Strode bought large quantities of South-Sea stock, at different prices, some of which stock was sold, and the remainder taken and paid for; that these transactions were on the account of the examinant, Mr. Strode, Turner and company, and Mr. Knight, who were equally concerned: That in the month of February, they came to an adjustment, and upon making up the whole account of stock bought and refusals given, the examinant received 10,500*l.* South-Sea stock as his share, upon paying Mr. Strode 6,000*l.* or thereabouts: And as to the particulars of such transactions, he refers himself to Mr. Strode, who kept the account.

The said *Samuel Strode*, being examined, says, that he did on the 26th of February 1719, buy of George Steed 1,500*l.* stock at 170½, of Thomas Carbonnel 2,000*l.* at the same price; of Abraham Cordoso 2,000*l.* and of Moses Barrow, 14,500*l.* at the same price, which sums were so bought by him on account of Elias Turner, Mr George Caswall, Mr. Sawbridge, and the examinant, who were partners therein, in equal four parts.

That on the 31st of March 1720, Mr. Tessard, a broker, bought by this examinant's direction, and for his use, the following sums viz. 1,000*l.* at 90½ per cent. 5,000*l.* at 305, 2,000*l.* at 306, 6,000*l.* at 308, and 6,000*l.* at 310, and the same day the examinant bought himself for his own use 900*l.* at 309, of Edward Ashurst, 200*l.* at 308, of James Round, that he paid for all these sums by money or adjustments.

And this examinant says, that he did on the 25th of March 1720, buy of Mr Knight 1,000*l.* South Sea stock, for his own use, at the rate of 310*l.* per cent. And the examinant says, that he was concerned in buying and selling several large quantities of South Sea stock, and in giving out money for refusals of stock, in partnership with the said Turner, Caswall, and Sawbridge, Mr. Knight, and Mr Owen, viz. the said Turner, Caswall, and Sawbridge, and the examinant in one half, and Mr. Knight, and Mr. Owen, in the other half, the total of the stock, bought by them, and money given for refusals, amounting to about 695 000*l.* stock, accounts whereof are to this examination annexed, and signed by him, which accounts, he says, are true.

Mr. *Richard Holditch*, a late director, being examined, says, he was one concerned in buying and selling 15 or 20,000*l.* South Sea stock, and says he was concerned another time with Mr. Knight, in Holland, in buying stock there, and selling it again, of which his part was about 20,000*l.* stock, by which this examinant gained about 5,000*l.* and says he knows of no other transaction with Mr. Knight, or Mr. Owen, either in stock or subscriptions, since Michaelmas 1719.

You Committee being informed, that Joseph Shaw, broker, had been very much concerned, in buying and selling South Sea stock for Mr. Knight, they sent for the said Shaw, who being examined, says, that he had very large transactions with Mr. Knight, but Mr Knight charged him not to keep any account in his books, nor has the examinant any cash account with Mr. Knight, entered in any of his books, but gave it in, from day to day, on sheets of paper, that he always paid or gave notes or bills on goldsmiths for the stock and subscriptions which he from time to time, sold for Mr Knight, and which was delivered, that Mr. Knight was very angry with this examinant, on his giving into the House of Lords an account of stock sold by him for Mr. Knight; that he desired the examinant to deter giving in the said account to the Lords, and that he would give him the names of persons for whom the stock was sold, which he should insert in that account But this examinant did not receive such names from him That this examinant was with Mr. Knight several times, two or three days before he went away, and Mr. Knight desired to see the account which this examinant intended to give in to the House of Lords, of stock bought and sold for him: that about the Thursday before Mr Knight went away, this examinant inquired, at the treasury office, where Mr. Knight was, and was told, he was gone to the other end of the town; by which he understands, to some in the ministry, or the treasury: produced

his ledger-book, in the alphabet of which, Mr. Knight's name is entered;' but the three leaves, to which it refers, are torn out: Says, Those leaves were torn out by him, before the sitting of parliament, by Mr Knight's direction, in the treasury, or some other room in the South Sea house: Says, There might be something and some other names, in those three leaves, which are not in the paper produced by him at his examination: That he knows of no lord, nor commoner, named in those three leaves, save what are in the said paper produced; which paper, he says, he took from his journal, from which the entries were posted into the said three leaves of the said ledger; but cannot say, that the same is an exact copy: produced several other books, several of the leaves of which are torn out, which concern Mr. Knight: That this examinant never kept a cash-book in his life: That all stock, bought and sold, is transferred or posted from his journal, produced at his examination, into his said ledgers: but the journal does not contain all the matters concerning money, that are entered in his ledgers: That page 80 and 81 are torn out of one of his ledgers. That page 9, 10, and 11, are torn out of another of his ledgers: That page 1, 2, 3, 4 & 8, and 9, are torn out of another ledger, marked S: as also page 7, defaced; all which pages, he remembers, contained accounts of Mr Knight; and are referred to in the several alphabets of those ledgers: That all these ledgers begin in January 1719.

Your Committee have other matters under their consideration, upon which they are proceeding; and will, in a short time, lay the same before the House

The said Report was ordered to be taken into consideration upon this day sevenight.

Debate in the Commons on the State of the Public Credit.] April 25. Mr *Shippen* stood up, and took notice, That the House had sate a long while, and nothing had yet been done towards the restoring of Public Credit: that, indeed, a member of great parts and abilities had, at first, proposed a Scheme for that purpose; but that, instead of proving an effectual remedy, it appeared at last to be a mere palliative, which had rather inflamed than alleviated the distemper: that by this time, a whole injured nation called aloud for vengeance; and if they neglected to hear the voice of the people, it would look as if they had a mind to provoke them to do themselves justice. That it was ever his opinion, that the only effectual means to restore Credit, was to call those to a strict account, who had ruined it; and, in particular, all such as had applied any part of the public money, intrusted in their hands, in stock jobbing, and had raised vast fortunes by robbing the Public. And so he moved, "That it be an instruction to the Committee of Secrecy, that they inquire what public money had been employed by any treasurer, cashier, collector, receiver, or other officer concerned in the receipt or payment of the public money, or of any other part of his majesty's revenue, or by any in trust for them, or by their order, in buying stock or subscriptions in the South Sea, or any other company, or in annuities, or other parliamentary securities, or otherwise making use of, or employing the same, to their private advantage, since the 1st of December, 1719."

Sir *William Wyndham* seconded this motion; adding withal, "That there was reason to apprehend, that the public money had not been administered with due œconomy, particularly in relation to some foreign Troops, that were in the pay of England and Holland, during the last war, to whom great sums had of late been allowed, on account of pretended arrears, after they had separated from the English general, and therefore he moved, That the late Commissioners appointed to examine, state, and determine the Debts due to the Army, and to examine and state the demands of several foreign princes and states, for subsidies, during the late war, be ordered to lay before the House Copies of the several warrants and sign-manuals, by virtue of which they issued any certificates." Hereupon,

Mr. *R. Walpole* said, That he wondered to hear of such a motion, when a little after the king's coming to the crown, an act of parliament had been made for payment of those arrears; and that the commissioners of accounts had, undoubtedly, acted according to the intent, and meaning of that act. To this

Mr. *Lechmere* replied, That he was not against the motion that sir William Wyndham had made, neither on the other hand, was he about to justify it: but he would freely tell the gentleman (meaning Mr. R. Walpole) who opposed it, That while the nation was under the pressure of heavy debts, he must expect that many such motions would be made, in order to find out methods to ease the public burden. That as that gentleman was now in a higher post than formerly, so a great deal more was expected from him; the rather because the Scheme which he had proposed at the beginning of this session, for the raising the stocks, and restoring public credit, had not had the desired effect.

Mr. *R. Walpole* replied, That it was known to every body, that he ever was against the South Sea scheme, and had done all that in his power lay, to hinder its taking place: but now the mischief was done, and things were brought to such extremities, he thought it his duty, and therefore was willing to try the best method he could think of, to extricate the nation out of the difficulties into which they were plunged: that he did not pretend to work miracles; but only to use his utmost endeavours towards retrieving the late misfortunes: That with this honest intention, he had promoted a scheme which had been laid before him, and appeared the most plausible of any then proposed, for restoring public credit: That it could not be denied, that while that scheme was pursued, it had done some good, and kept up the price of stocks; and that they fell since it had been

laid aside. That, however, he never intended to raise stocks above the intrinsic value, for that would bring us again into the same unhappy circumstances which the raising of them had before occasioned. He afterwards lamented the ill disposition of some persons, who, instead of concurring with others in remedying the present distempers, used all possible means to irritate and exasperate the minds of the people: and concluded with a motion "That a day be appointed to consider of the State of the Public Credit of the Kingdom." This motion was unanimously agreed to, and that day seven-night appointed for that purpose.

The Commons take into Consideration that Part of the Reports of the Committee of Secrecy which relates to Mr. Craggs, &c.] April 28. The Commons proceeded to take into consideration those parts of the Reports of the Committee of Secrecy, as related to James Craggs, esq. deceased, late Post-Master-General, which having been read, Mr. *Broderick* moved, That the said Mr. Craggs having taken 40,000*l.* South Sea stock, without paying for it, or giving sufficient security for the payment of the same, his estate might be made liable to the same forfeitures with those of the late Directors. Hereupon

Mr. *Grey Neville* desired, That the gentlemen concerned in this affair, two of whom were members of the House, might first be heard by their counsel, and produce what witnesses they had, before the House came to any resolution in this matter.

Mr. *Robert Walpole* seconded him, and in particular, said, He hoped the House would not break their known rules, which were, not to condemn any one without first hearing them; and sure they would not deny this piece of justice to their own members.

Mr. *Horatio Walpole* spoke to the same purpose; and then

Mr. *Trefusis*, member for Penryn, stood up, and said, That neither he nor Mr Newsham were at all prepared, not expecting that this affair would have come on this day, because there was another part in the Report before it, and therefore he desired the House would give them time to get their witnesses: He added, He never had been used to speak in the House, or but very rarely, and his brother-in-law, Mr Newsham, member for Lestwithiel, not at all, which he hoped the House would take into consideration, and allow them counsel to speak for them: That by Mr. Craggs's death, his estate was devolved to them and Mr. Elliot, in right of their wives, the deceased's three daughters: That there was no manner of crime laid to their charge; and since Mr Craggs was dead, and could not answer for himself, he hoped the House would allow them time and counsel.

This was opposed by sir Joseph Jekyll: but Mr *Robert Walpole* said, That since the two gentlemen concerned had not been used to speak in the House, and therefore were not likely to make so good a defence as otherwise they might, he thought it reasonable to allow them counsel, and give them time to prepare. To this

Mr. *Lechmere* replied, That it might, indeed, seem somewhat hard to deny counsel to gentlemen who were not used to speak in the House; but he doubted not but that good natured gentleman that spoke last, who had so good a capacity, and was so able to advise them, would sit by them, and by his assistance be as useful to them, as if they had counsel, as he had been to several others in the like case.

No return was made to this reply, upon which the motion for allowing counsel was dropt.

The Commons resolve that the Estate of the late Mr. Craggs be applied to the Relief of the South Sea Sufferers.] May 1. The order of the day for taking into consideration those parts of the Reports from the Committee of Secrecy, which related to Mr James Craggs, deceased, late postmaster general, being read, and several evidences being examined, the House came to the following Resolutions:

1. "That it appears to the House, that James Craggs, esq. late postmaster general, did, in February 1719, during the time that the proposals of the South Sea Company were depending in parliament, with a corrupt intention, apply to and solicit Robert Knight, late cashier of the said Company, for a large quantity of South Sea stock, to be held by the said Company for his own use and benefit.

2. "That on or about the 27th of February, 1711, a sum of 30,000*l.* capital stock of the South Sea Company, which had been taken in, and paid for out of the cash of the said Company, was, upon the substitution of the said James Craggs, held by the said Company for the use and benefit of the said James Craggs, which said 30,000*l.* stock was afterwards, on the 28th of March, 1720, transferred to the said James Craggs.

3 "That on the 4th of March, 1719, a farther sum of 10,000*l.* capital stock of the South Sea Company, was taken in, and paid for it out of the cash of the said Company, by the said Robert Knight, for the use and benefit of the said James Craggs.

4 "That the said James Craggs was a notorious accomplice and confederate with the said Robert Knight, and some of the late Directors of the South Sea Company, in carrying on their corrupt and scandalous practices, and did, by his wicked influence, and for his own exorbitant gain, promote and encourage the pernicious execution of the late South Sea schems.

5 "That all the Estate, real and personal, of which the said James Craggs was seised or possessed from and after the 1st day of Dec. 1719, (over and above what he stood seised or possessed of on the said 1st day of December) be applied for and towards the relief of the unhappy sufferers, in the South Sea Company, and for deterring all persons from committing the like wicked practices for time to come."

Debate in the Commons on the State of the Public Credit.] May 3. The Commons, in a Committee of the whole House, took into consideration the Public Credit of this kingdom, and after reading the Proceedings and Resolutions of the general court of the South Sea Company, held the 23rd of December, 1720, as also the Resolutions of the general court of the said Company, held the 9th and 13th days of March, 1720, relating to the four money-subscriptions,

Mr. *Sloper* opened the debate, and took notice, that one of the principal causes of the ruin of Public Credit, was the fraudulent dealing of the South Sea directors, with the proprietors of the redeemables, and other public debts, and with the money-subscribers. He was seconded by the Master of the Rolls, and backed by Mr. Hutcheson and the Chancellor of the Duchy, who all concluded, that some relief ought to be given to the said subscribers.

Mr. *Milner* was of the same opinion, and thereupon moved, that the seven millions due from the South Sea Company to the government be remitted. This was strenuously opposed by

Mr. *Smith*, who shewed how absurd it was, to pretend to retrieve Public Credit, by remitting, that is by taking from the public, so great a sum, to give it to private persons: he owned that they who had suffered by the fraud and mismanagement of the late South Sea directors, were worthy objects of compassion; but that they ought to be relieved out of the estates of those who had occasioned their losses, and not out of the public money.

This was answered by Mr. Horatio Walpole, who was for Mr. Milner's motion; as were also the lord Tyrconnel, Mr Pulteney, Mr. Robert Walpole, col. Bladen, and some others, and though they were opposed by Mr. Shippen, serjeant Pengelly, and a few more, yet the question being put, upon Mr Milner's motion, it was carried in the affirmative by 221 voices against 194.*

Papers relating to Mr. Knight presented.] May 6. Mr. Methuen, by the king's command, laid before the House copies of several Letters and Papers relating to Mr. Knight, which were read; particularly, a Letter from Mr. Leathes, the British resident at Brussels, containing an account of the excuses and pretences made use of to elude his instances for the delivering up of the said Mr. Knight. Those excuses were thought so frivolous, that a motion was made for prohibiting the importation of all commodities of the growth and manufacture of the Austrian Netherlands, particularly lace and lawn, till such time as Mr. Knight had been delivered up and sent over: but it was thought more proper, that a Committee be appointed to consider of the State of the Trade between this kingdom and the Austrian Netherlands, and to report the same, as it should appear to them, to the House; which Committee was appointed.

A Motion in favour of Mr Aislabie rejected.] Then a motion was made, that it might be an instruction to the Grand Committee on the Bill, 'For the relief of the unhappy sufferers,' &c that they should receive a clause, that the paternal estate of Mr Aislabie might not be liable to the same forfeitures with the other part of his estate; but though this motion was strongly supported by three members, yet it was rejected with general indignation.

Mr. Vernon expelled the House, for a Corrupt Application in favour of Mr. Aislabie.] May 8 Sir Joseph Jekyll, master of the rolls, acquainted the House, that he was directed by the Committee of Secrecy to acquaint the House, of an application made to a member of the said Committee, relating to a matter depending before this House, and thereupon named the hon. general Rosse, as the gentleman to whom such application was made; whereupon

General *Rosse* acquainted the House that that morning, while he was at the said Committee, he received a note, that a gentleman was at the door to speak with him, and he went out, and found there Thomas Vernon, esq. a member of this House, who desired him to go into a little room near, whither he went; and Mr. Vernon acquainted him, that he had something to say to him, which he desired might go no farther; whereupon general Rosse told him, he hoped he had nothing to say to him which might be improper for him to hear; after which, Mr. Vernon told him, there was a disposition in the House to be favourable to Mr. Aislabie, in the Bill upon which the House was to be in a Committee that day, and that it was in his power to do him service, and for the same, Mr. Aislabie would make him any acknowledgment, and in any manner he should think fit; upon which Mr Rosse, from what he first said, concluding it was upon some corrupt matter, left him in a passion, and thought it his duty to acquaint the Committee of Secrecy therewith, and the said Committee thought it was proper to have the matter laid before the House. To this matter

Mr. *Vernon* was heard in his place, and owned the said words and circumstances; withal declaring, That he did not mention or intend any thing of money, or any other corrupt matter, and begged the pardon of the gen-

* "The most remarkable passage in this day's debate, was Mr. Shippen's naming a Great Lady, who had a considerable quantity of South Sea stock given her, and afterwards telling a story of Alice Pearce, a celebrated mistress of king Henry III who having made a breach between the King and the Black Prince, was twice removed from court, by the interposition and solicitation of the then Speaker of the House of Commons. This story being looked upon as implying an odious parallel, col Bladen animadverted upon it with some warmth." Political State.

tleman and of the House, if he had committed any offence, he saying the words without any corrupt intention, and only on account of friendship, being nearly related to Mr. Aislabie, and then Mr. Vernon withdrew.

Hereupon it was resolved, "1. That it appears to this House, that Thomas Vernon, esq. a member of this House, hath made a corrupt application to general Rosse, a member of this House, and one of the Committee of Secrecy, in relation to a matter depending before this House. 2. That the said Thomas Vernon, esq. be for his said offence expelled this House." It was also ordered, "That the thanks of this House be given to general Rosse, for the justice he had done to this House and to his country, in laying the application made to him by Thomas Vernon, esq. before this House" And Mr Speaker gave him the thanks of the House accordingly.

After this, the Commons, in a grand committee, made some progress in the Bill for relief of the unhappy Sufferers in the South Sea Company, &c. and added Mr. Aislabie's name and estate.

FOURTH REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.] May 22. Mr. Clayton, Chairman of the Committee of Secrecy, during the indisposition of Mr. Brodrick, delivered to the House the following Report:

FOURTH REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY,

The Committee of Secrecy appointed to enquire into all the proceedings relating to the Execution of an Act, passed in the last session of parliament, intitled, "An Act for enabling the South Sea Company to increase their present capital stock, and fund, by redeeming such public debts and incumbrances as are therein mentioned; and for raising money, to be applied for lessening several of the public debts and incumbrances; and for calling in the present Exchequer Bills remaining uncancelled; and for making forth new Bills, in lieu thereof, to be circulated and exchanged, upon demand, at or near the Exchequer;" since their former Report, having had information given them,

That several large sums of money had been lent to divers persons mentioned in the book of loans, formerly laid before this House by the late Directors of the South Sea Company; for security whereof no stock hath been actually transferred, they did, by their order bearing date the 20th day of April last past, direct the present Sub Governor, Deputy Governor, and Directors, of the South Sea Company, to lay before them an account of the names of all persons who are mentioned in the said book of loans to have borrowed money on stock, and the sums by them respectively borrowed, for security whereof no actual transfer of stock had been made; pursuant to which order, upon the 19th day of May instant, the said court of Directors did lay before your Committee a book, by them intitled, 'An Account of the names of such persons to whom 'loans have been made on South Sea stock; 'who, at the time when such loans were made, 'do not appear, by any books, to have transferred stock to the South Sea Company, for the 'security thereof.' And the court of Directors have added to the said title the words following, 'But, as all or most of the money lent was by 'granting permits to any name without distinction, or any regard had by whom the stock 'was transferred, it is doubted, that this account may be very defective; and it is probable, that many of the names herein may 'be fictitious, and that many others may be 'able to shew how, and by whom, the stock 'for the money lent them respectively was 'really transferred, if they should be called 'upon so to do.' And your committee observe, that the last mentioned book contains the names of several persons mentioned in the aforesaid book of loans, to have borrowed money upon stock, to the amount of 2,181,944*l.* 11*s.* upon the security of 573,886*l.* stock, which doth not appear to have been transferred to the use of the Company.

And in relation to this matter your Committee proceeded to examine, in the most solemn manner, the several persons following, and do now lay before the House, the examination by them taken, in the words of the examinations themselves.

Mr. *Charles Lockyer*, accountant to the South Sea Company, says, that he hath carefully examined the books of loans, and the books of transfers of the said Company, by order of the Committee of Secrecy; and upon the inspection of the said books does find, that the sum of 2,181,944*l.* 11*s.* has been lent by the said Company, at several times, to the particular persons mentioned in an account drawn out by this examinant, upon the sum of 573,886*l.* stock, supposed to be transferred to the use of the said Company, as a security for such money; but this examinant, upon the strictest examination of the books and accounts belonging to the South Sea Company, cannot find or discover, that any of the said persons, or any other for them, at the respective times of the loans made to them, did make, or cause to be made, any transfer of such stock, upon which the said loans are entered to be made, or of any stock whatsoever, unto or for the use of the Company, for securing the repayment of the money then borrowed, amounting in the whole to the aforesaid sum of 2,181,944*l.* 11*s.* And this examinant does not know that any stock was transferred by, or for the said persons, for the security of the said money, or any part thereof.

Sir *John Blunt* being examined, says, he takes it, there was a good deal of money lent to the persons who had bought stock; and, in such case, the real borrowers were not the

transferrers, but the persons of whom they had bought, transferred the stock to Mr. Knight, Surmao, or Powell, for securing the money lent by the Company. He says, he really believes that Mr. Knight generally made good the stock which he has charged the Company to have lent money upon, though he has heard that some persons are charged with borrowing money, who never did borrow any. He says, he believes there is a considerable quantity of stock on which money is said to be lent, where no stock is transferred, and the examinant apprehends that great part of that deficiency will be found among the 574,500*l.* fictitious stock, said to be sold, which he believes has been transferred to the loan account.

Mr. *Robert Surman*, being examined, as to the account of loans where no transfers appear to be made, says, that he believes that Mr Knight, having accounts of stock with several persons, he carried their stock to the account of loans. He says, when the loans were at first begun to be made, there were several waste books kept, wherein the sums lent out were first entered, and all the papers and memorandums relating to the loans were given to Mr. Clayton, a clerk in the South Sea house, but he does not remember whether he has seen those books since the enquiry began or no. He says, that the ledgers of the loans (he believes) were made up about a month before Mr. Knight went away: Says, he believes that several of the persons who had the fictitious stock, had money lent upon it on the Company's account; and in such cases no transfers could be made; and he believes that part of the 578,888*l.* stock, on which money has been lent without transfers (appearing in the account now produced to him) is part of the 574,500*l.* fictitious stock.

The said Christopher Clayton, being hereupon examined by your Committee, says, he and the clerks under him, did, by direction of the committee of loans, and of Mr. Knight, make up the account of loans from books which he now believes are at the South Sea house, in the custody of Mr. De Gols; that the instructions given him, were to make the account from the copies of the journals: that Mr. Knight perused this account when made, and examined it, and corrected it by the journals and other books of his own; that Mr. Knight had the custody of the original journals; and before the copies from which this examinant took the account were made, this examinant believes that Mr. Knight made some additions to the original journals from his own books. Says, that he never had any instructions or order from Mr. Knight, or any other person, to make this account in such a manner, as not to exceed the regulations of 400*l.* per cent.

After reading the said Report, Mr. Clayton acquainted the House, that the Committee were preparing a draught of a Report, relating to several members of both Houses, mentioned in the account of stock sold, laid before this House, and relating to all other members of this House mentioned in any examination taken by the said committee, and desired the House to appoint a day for receiving such Report: whereupon it was ordered, that the said Report be received upon that day fortnight.

*Debate in the Commons concerning the Allowances to be given to the South Sea Directors out of their Estates.**] May 23. In a grand Committee, o farther progress was made in the Bill, 'For the Relief of the unhappy Sufferers in the South Sea Company,' and the chief matter in debate was, what allowance should be given to the late directors out of their estates?

Mr. *Lowndes* proposed an eighth part; to which it was objected, That it would be too much for some who had the most lucky estates, and consequently had been deepest in the guilt; and too little for others that had but small estates, and were only passively criminal, by not entering their dissent to the fraudulent management of the rest.

May 25. The Commons, in a grand Committe, on the South Sea Sufferers' Bill, resumed the consideration of the Petitions of the late Directors of the South Sea Company. The debate began with sir John Fellows, the sub-governour, in whose behalf

Mr. *Sloper* moved, That since it did not appear that he had been so active in the late vile and pernicious practices as some others had, he might be allowed 20,000*l.* out of his estate.

Mr. *Hungerford* reduced it to 15,000*l* others to 12,000*l.* and Mr. Robert Walpole baring at

* "After all the pains that have been taken to detect the villainies of the Directors and their friends, I am afraid they will at last slip through their fingers, and that nothing further will be done as to confiscation, hanging, &c. There certainly is a majority in the House of Commons, that are willing to do themselves and the kingdom justice; but they act so little in concert together, that they are constantly baffled by a set of men whom guilt, money, &c. have linked in the closest bond. It is impossible to tell you of what infinite consequence the absence of a friend of yours is at this time, and how uneasy the generality of mankind is at it. He is, without compliment, the spring that gives motion to the whole body; and the only man that either can or will set matters in a true light, and expose and baffle the schemes of the Skreen, &c.—The House were five hours in a committee last Friday upon the director's bill, and were amused and bantered the whole time by questions and amendments proposed by the Skreen, &c. so that they rose at last without coming to any resolution." Coxe's Walpole. Correspondence: Mr. St. John Brodrick to lord Midleton.

last proposed 10,000*l.* the same was agreed to without any division. Mr Joye, deputy-governor, appearing to have been deeply concerned in the guilt, it was agreed to allow him only 5,000*l.*

Then the Committee proceeded alphabetically to the directors, and it was unanimously agreed to allow Mr. Astell 5,000*l.*

A debate arising, whether to allow sir Lambert Blackwell 5,000*l.* or 10,000*l.* and he having many friends in the House, it was, upon a division, carried for 10,000*l.* by 112 votes against 108.

After this, there was a long debate about sir John Blunt; Mr Laurence Carter moved to allow him only 1*s.*, lord James Cavendish 1,000*l.* and Mr Plummer 5,000*l.*; sir Joseph Jekyll moved for 10,000*l.*; and was seconded by general Ross, lord Molesworth, Mr. Jefferies, and Mr. Windsor, who all spoke very warmly on his behalf, alledging, that he had been more ingenuous in his examination before the Secret Committee, than any of the late directors; and had let them into a great many secrets, which otherwise they could not have known. To this it was answered, by Mr. Sloper, Mr. Milner, Mr. John Smith, and Mr. Horatio Walpole, "That he had been the chief contriver and promoter of all the mischief, and therefore ought to be most severely punished."

Mr. *Sloper* added, That he was grown to that height of pride and insolence last summer, that he could not give a civil answer to persons far above him. And thereupon instanced in his behaviour one day, at the treasury, of which he was himself witness, when a relation of a great man, asking sir John for a subscription, the upstart knight, with a great deal of contempt, bid him go to his cousin Walpole, and desire him to sell his stock in the Bank, and by that means he might be supplied. Hereupon

Mr. *Robert Walpole* shewed, That sir John Blunt was a projector of many years standing; and had been the author of several fallacious schemes, by which unwary people had been drawn in to their utter ruin. And to this purpose, instanced a project for a linen manufactory, but

Mr. *Horatio Walpole* said thereupon, That was not his first; for there was a gentleman that sat next to him, [meaning Mr Jessop] whom sir John had drawn into a project for bringing Water to London from a great distance, which was to out-do the New River Water, by which the subscribers lost all their money, though sir John himself got some thousands by it.

This was confirmed by Mr. Jessop himself; nevertheless, the

Lord *Hinchingbroke* moved for allowing sir John Blunt 10,000*l.* urging, That the Secret Committee had promised him favour for his openness in his examination; upon which

General *Ross* desired, That the noble member who spoke last might explain himself, since he seemed to intimate, as if the Secret Committee had used underhand dealings. Adding, that for his part he knew of no promise ever made to sir John Blunt upon that account; that he was sure he never made any; and he believed he could answer for all the rest, that there never was any such thing intimated to sir John.

The Lord *Hinchingbroke* replied, that if that honourable member would repeat his words as he spoke them, he would explain himself.

Upon which the matter dropped. Then the question being put, for allowing sir John Blunt 1,000*l.* it was carried in the affirmative, by 138 votes against 94.

It was observed, that Mr Lechmere, Mr. Hutcheson, and serjeant Pengelly went out of the House, before the debate about particular persons came on; and that Mr. Lechmere only took notice, "That the late directors were all equally guilty of a breach of trust, and therefore ought all to be punished; but that their crimes not being equally flagrant, he thought there ought to be a difference in their punishment."

FIFTH REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH-SEA COMPANY.] May 26. Mr Clayton, from the Committee of Secrecy, reported to the House, That it appeared to the said Committee that Mr Christopher Clayton, a Clerk in the treasury office of the South-Sea Company, had endeavoured, by Threats and Menaces, to suppress the Evidence which Samuel Watts, another clerk in the said office, was able to give to the said Committee; which report he read in his place, as follows, viz

FIFTH REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH-SEA COMPANY.

That the Committee of Secrecy appointed to inquire into all the proceedings relating to the execution of an Act passed the last session of parliament, intitled, "An Act for enabling the South-Sea Company to increase their present Capital Stock, and Fund, by redeeming such public Debts and Incumbrances as are therein mentioned, and for raising Money, to be applied for lessening several of the public Debts and Incumbrances; and for calling in the present Exchequer-Bills remaining uncancelled; and for making forth new Bills, in lieu thereof, to be circulated and exchanged, upon demand, at or near the Exchequer, Having, on the 25th of May instant, examined, in the most solemn manner, Samuel Watts, a clerk in the Treasury-Office of the South-Sea Company; he says, That, some time in January last, about a fortnight after the first meeting of the Secret Committee, at the South Sea House, Mr. Lockyer came up into the Treasury-room, from the Secret Committee, and said, They wanted Mr. Christopher Clayton, then a clerk to the South-Sea Company: Who not being there, he asked for the examinant; who said, "Here am I:" And then Mr. Lockyer inquired of the examinant, Who the

clerks were that made out the Books of Loans: and the examinant acquainted him, that himself, James Ottey, George Wolley, and Stephen Crisp, were clerks employed in making out those books; and then Mr. Lockyer went down stairs, and desired the examinant not to be out of the way; that, soon after, the said Mr Clayton came to; and the examinant told him, The committee wanted him below stairs: Clayton then asked him, if the examinant knew for what the committee wanted him: the examinant replied, he did not know; but that Mr. Lockyer had desired him to attend: upon which Clayton said, He had heard the examinant had given Mr. Lockyer the names of the clerks who assisted him in making out the books of Loans: upon this, Clayton said, with a curse, "What had you to do to tell their names? If you had a mind to bring yourself into a premunire, why should you bring them? Am not I sufficient to give an account for them?" And, walking about the room in a passion, said, That the examinant had nothing to do to discover any thing; especially to Mr. Lockyer, who was a rogue, and a villain, and had discovered all: and that he would therefore be despised, and pissed upon, by every body: and then said, That, if this examinant was summoned before the Committee of Secrecy, he was to answer, That he knew nothing, but that the examinant was subordinate to him; and that what the examinant had done, was by his directions, and he was answerable for it; and, laying his hands violently on this examinant's face, squeezed his jaws very hard, and said, if the examinant discovered any thing, he would be the death of him:

That Clayton then asked the examinant, What he did know: to which the examinant replied, He knew enough; and that, when he was examined before his betters, he would tell the truth: Clayton asked again, what the examinant did know; to which the examinant answered, he should know in time.

Your Committee are proceeding in the further Examination of the Matters referred to them; and will speedily lay the same before the House.

Resolution thereon.] The House immediately came to this Resolution, "That Mr. Christopher Clayton, a clerk in the Treasury-Office of the South-Sea Company, by endeavouring to prevail with Mr. Samuel Waits, another clerk in the said office, by threats and menaces, to suppress the Evidence which he was able to give to the Committee of Secrecy, was guilty of a high Crime and Misdemeanour:" and it was ordered, "That the said Mr. Christopher Clayton be, for his said offence, committed Prisoner to his majesty's prison of the Gate-House."

Complaint made against certain Seditious Libels in MIST'S JOURNAL.] May 28 Mr Lechmere having made a Complaint to the House, of several Papers printed by Mr Mist in Great Carter-Lane, London, intitled, "The "Weekly Journal, or Saturday's Post, with "freshest advices, foreign and domestic;" Saturday, May 27, 1721;* the same was brought up to the Table, and several Paragraphs in the said printed paper were read as follow; viz.

O Socii (neque enim ignari sumus ante malorum)
O passi graviora! Dabit Deus his quoque finem.
Virgil.

"Friends! Britons! Countrymen!

"Give me leave to salute you with these tender appellations, whilst I endeavour to prepare you for the due solemnization of that approaching festival, which commemorates the greatest blessings that were ever poured forth on this or any other nation.

"For ever shall the 29th of May be regarded as the day on which we were delivered from the greatest evils a people had ever laboured under. After wickedness had received its utmost perfection in the destruction of the king; we groaned under the oppressive force of a cruel, ill-bred, uneducated Old Tyrant, and the drivelling fool his son, whilst the royal progeny wandered from court to court to find protection; their servants at home were enjoined to abjure their title, and sworn to afford them no aid. Solemn leagues and covenants were hatched to make the people abjure God as well as the king. To be qualified to serve in Church and State, it was required to deny Religion and Government. Every man would be ruled after his own model, and have a religion of his own contrivance. Those who had a little stock of Greek, revived the damnable errors of Simon Magus, Arius, Macedonius, &c. whilst tinkers,

* "Whilst the affair of the South-Sea was depending in parliament, Petitions from counties, cities, and boroughs were sent up, crying for justice, and pamphlets were daily published, exasperating the minds of the people against the South-Sea directors and their abettors. But the loudest cries for justice were contained in Letters directed to the Author of the London Journal, and supposed to have been mostly penned by Mr Gordon, under the borrowed name of Cato. A Committee was appointed to inquire into the authors, printers, and publishers of seditious libels. They sent for Mr. Peele, publisher of the London Journal, and for the reputed author of the Letters, but they both kept out of the way. Mist, the printer and publisher of a Weekly Journal, was, for reflections cast on the king for his interpositions on behalf of the Protestants in the Palatinate, sentenced to stand in the pillory, to pay a fine of 50*l.* and after three months imprisonment to give security for his good behaviour seven years. His Journal was carried on under the title of Fog's, and two months after (May 27) was censured again by the Commons as a traitorous libel, tending to alienate the affections of his majesty's subjects, and excite rebellion. However, the Journal continued many years afterwards." Tindal's Hist. Engl. vol. II.

soblers, and taylors, made shift to botch and patch up a religion, of their own pure invention. By public authority we were commanded with fasting and prayer, to implore the divine power to assist in perpetrating the greatest villanies; and when the permissive providence of God had suffered any exemplary roguery to succeed, they did not fail to return him solemn thanks for it. Thus was God's holy name seriously blasphemed, and all who had submitted to the Usurper became members of a Hell Fire Club.

" The Tyrant behaved like a knavish guardian, and not like a natural father of the people. He knew not how short his time might be, therefore made the best of it. He pillaged all that came in his way; but as it was impossible to turn the nation without the assistance of part of it, he licensed little rogues to strip their neighbours, so that they shared the booty with him. The royal palace was crowded with trulls and scoundrels who would disgrace Bridewell and Newgate. Such miscreants trod on the coronets of our nobles, revelled on the national spoil, and triumphed in our affliction; whilst the Usurper encouraged this mad riot, acting like a rogue who had taken possession of another's estate he had no title to, and did not care, what waste he made in another man's grounds. Our lords and gentlemen were made to bleed in wanton sport, for treason committed against his mock majesty.

" Under these, and innumerable other evils, we were involved. When Rebellion had almost lost its name to a settled and successive usurpation, then we beheld day to break in upon us from afar, when least expected. Then we saw the restoration of the monarchy in the royal house of Stuart, in the person of a prince endowed with a thousand shining qualities. Then those great names, Ormond, Clarendon, and Southampton, honest hearts, and able heads, prevailed at the helm of affairs. The college of bishops was filled more worthily than in any age since the apostolical one. They were all Christians! pious, learned, orthodox confessors. Arts and sciences revived, joy diffused itself over every honest countenance, and gloomy dejected looks confined themselves to their proper district, the faces of rogues and villains: who returned to their lurking holes, from whence, like snakes and vipers in a time of contagion, when the whole mass of air is so infected as their nests, they had crawled abroad.

" What can be more pleasant than to behold the triumphs of oppressed honesty, over prosperous villainy? What more ravishing, than to hear every muse sweetly celebrating the victory? Now learned judges were placed upon the bench who never enquired what the plaintiff or defendant was, but what was his cause; the pulpits were rescued from nonsense and blasphemy, and filled with learned and sober divines, and it was no crime to be learned and innocent.

" St. Augustine being asked what he would wish to have seen, of all that that had been beheld by mortal man? replied Christ in the flesh, Paul in the pulpit, and Rome in its glory. Next to this wish, which is not to be equalled in any proportion, I would desire to see the Restoration. It is impossible to have a notion of the pleasure, of observing the countenances of the people, when they could, with a mingled sense of shame and joy, upon him they had so long injured, or, of observing that kind forgiveness, that benignity, that complacency in the countenance of the Prince, upon seeing his servants returning to their duty without actually beholding it.

" Upon the Restoration, preaching, history, poetry, philosophy, eloquence, &c. were carried to higher pitches than they arrived to, in any age since the Augustan. There was a universal change, from all that was wicked and detestable, to all that was good and desirable. This change was effected in a most miraculous manner, with very little human interposition: they who wished well to it, were kept back from assisting the promotion of it, that the hand of God might appear more visibly in it: they who wished ill to it were restrained from obstructing its advancement. For such great, such conspicuous mercies! Let us offer up to God on the approaching festival, the sweet smelling sacrifice of unfeigned praise and thanksgiving.

" But I may be asked, is this a time for joy, when we labour under such irretrievable calamities? Shall we return thanks for a deliverance from rogues with swords in their hands, when we are ruined by footmen, pimps, pathicks, parasites, bawds, whores, nay, what is more vexatious, old ugly whores! such as could not find entertainment in the most hospitable hundreds of old Drury? The Psalmist complains of their insultings who called upon them to sing the sweet songs of Sion in their Babylonish captivity. If he could not sing, who was enslaved by a great and potent people, it is barbarous to invite us to chaunt lays of praise, who are become a prey to rascally peddling Jews, to petty brokers, to the scum, the off-scowering of foreign nations, and the dregs of our own. No, no, let us humble ourselves in sack cloth and ashes, and supplicate the Almighty to take away the great cause of all these evils from among us.

" To this I answer; have we not received good from the hand of the Lord, and shall we not also receive evil? The surest way to draw to us future mercies, is to be grateful for those we have already received; the ungrateful sinner therefore, is a greater foe to his country than a South Sea Director.

" Atheism, rebellion, adultery and murder, with every other vice, have had their impious advocates, except ingratitude. None have been so whimsically wicked, so impudently abandoned, as to stand up in defence of this vice. What is therefore so universally condemned, must be superlatively odious. The greatest benefits are received from God, who heaps them upon us without our least deserving.

God is slow to punish, and ready to forgive: All the good we receive flows from him, the inexhaustible foundation of all goodness. The evils we endure, are the natural consequences of our own faults and follies, that he permits them to fall upon us is, that they may awaken us from our dream of vice. If we examine into the birth of our present misfortunes, we shall quickly find, they take their rise from ourselves. Whilst the world is wicked, it must be miserable; such is the order of things, that effects will follow their causes, unless the regular course of nature could be inverted.

"The very chastisement of God are mercies, for which we are in duty bound to praise him; if his judgments then are to be praised, how much more his benefits! Let every man among us return undissembled thanks to the Almighty for the good things he has bestowed upon us and our fathers; and he may then confidently say, when he beholds our present calamities, in the words of holy David. The Lord, who delivered me out of the paw of the lion, and out of the paw of the bear, he will deliver me out of the hand of this Philistine. I am,

"My country's devoted servant, Decius."

"Sir;

"I once more beg a place in your Paper, to add something, by way of supplement, to a most popular pamphlet called Cataline, or the Case of the Conspirators. This author has said little of Marcus Crassus, who has been always in my judgment the worst of that accursed gang; though I have formed my notions of this man from a thousand little, mean, infamous, ungrateful actions his history is swelled with I apprehend, I need only to select one instance out of them, to draw those who are unacquainted with history into my opinion.

"Those who have read Cataline must remember into what wretched circumstances those detestable traitors had brought the people. Marcus Crassus his son in law, his manumitted slaves, and other dependants, being the principal agents in the hellish conspiracy; we must not imagine Crassus, whose darling passion was money, would be without a large share of the plunder, consequent upon the treason of his followers.

"When the senate was labouring to close the gaping wounds of the public, the city was alarmed at a cause brought into the forum, by several builders, against the wealthy Crassus. The city had built a palace for Crassus, upon a triumph he obtained, which cost as many Roman talents, as amount to 300,000*l.* of our money. Crassus had for several years after the erecting of his palace been adorning it, which brought on a charge of 70,000*l.* more. Some of the workmen he employed sued him for their wages; the prætors gave sentence against Crassus, who from them appealed to the senate, affirming, that whatever expence he could lavishly throw away upon his palace, by virtue of a decree of the senate, it was to be answered out of the public coffers.

"Cruel and barbarous Crassus! who, whilst he had five millions lodged among the Veneti, the Belgæ, the Ligurians, every penny of which, was the spoil, the plunder, or the gift of the public; was so inhuman as to demand the payment of his debts out of the treasury, then not so full as his own private purse, at a time, when the cries of poverty were universal, when Crassus was in a habit of body incapable of relishing any one pleasure of life, and when he had no son to inherit his ill acquired pelf.

"It is to me a wonder that the senate did not use him as they did Q. Annius. It is however a piece of justice to continue the infamy of traitors through all ages, please to publish this letter, and thousands will know that Marcus Crassus, the wealthiest of the Roman Senators, was a mean spirited, abandoned villain, who never heard of him before. Yours, and my country's friend,

"Britannicus."

The said Libels censured, and Mist committed to Newgate.] After the reading of these Libels, sir Joseph Jekyll, sir David Dalrymple, Mr Yonge, colonel Bladen, Mr Pulteney, the Attorney General, serjeant Pengelly, sir Wm Thompson, Mr. Shiper, Mr. Huggerford, and some others, animadverted, with indignation, upon the vile, scandalous, and false insinuations contained in them; and thereupon the House unanimously resolved, "That the paper intitled 'The Weekly Journal, or Saturday's 'Post, with freshest advices, foreign and do-'mestic, Saturday, May 27, 1721,' is a false, malicious, scandalous, infamous, and traitorous Libel, tending to alienate the affections of his majesty's subjects, and to excite the people to sedition and rebellion, with an intention to subvert the present happy establishment, and to introduce popery and arbitrary power."

And it was ordered, "That N. Mist, the printer and publisher of the said paper, be for his said offence, committed a prisoner to his majesty's gaol of Newgate; and that Mr. Speaker do issue his warrants accordingly."

It was also resolved, *nem. con.* "That an humble Address be presented to his majesty, expressing the Commons' utmost abhorrence of the scandalous, infamous and traitorous Libel (intitled 'The Weekly Journal, or Saturday's 'Post, with freshest advices, foreign and do-'mestic, May 27, 1721') and their detestation of the author of it; and to assure his majesty, that this House will stand by and support his majesty and his royal family against all traitorous and seditious attempts that shall be made against his sacred person and government, and humbly to beseech his majesty, That he will give the most effectual orders for prosecuting and punishing the printer and publishers, and also the authors and contrivers, when discovered, of the said traitorous libel, and of all other seditious libels that tend to raise discontent and disaffection in the minds of his majesty's subjects; and to assure his majesty, that this House will proceed with the greatest care and diligence,

to find out and discover the authors of such wicked, seditious and traiterous Libels."

After this a Committee was appointed to enquire into the authors, contrivers, printers and publishers of the said seditious and traiterous Libel; and of all other seditious Libels, which tend to raise discontent and disaffection in the minds of his majesty's subjects; and that they have power to send for persons, papers and records. It was also ordered, That the said printed paper, intitled 'The Weekly 'Journal, or Saturday's Post, with freshest 'advices, foreign and domestic, May 27, 1721,' be referred to the said Committee

May 31 Mr Comptroller reported the king's Answer to the Address of the House against Mist's and other Libels, which was to this effect, viz " That his majesty thanked this House for their most dutiful and loyal Address, and would immediately give the necessary orders for prosecuting and punishing the authors, printers, and publishers of all scandalous and seditious libels."

In the mean time, endeavours were used to prevent Mist's being committed to Newgate; to which purpose, that very day, a Petition of David Crawford, esq. marshal of the prison of the court of King's Bench; was presented to the House and read, setting forth, That Mr. Mist (printer of the Weekly Journal) was in his custody, in execution upon a Judgment, given against him by the said court; and that he had been also charged in his custody with an action of debt for 500*l*, and that he having notice of the Order of this House, for committing the said Mr. Mist, to his majesty's gaol of Newgate, was ready to pay all due obedience to this House; but that Mr. Mist being a Prisoner in execution and for debt, the petitioner humbly prayed, That he might be indemnified in such manner, as to this House should seem meet.

Hereupon it was ordered, "That the said N. Mist, the printer of the said seditious and traiterous libel, do stand committed close prisoner to the said prison of the court of King's Bench during the pleasure of this House, as also, That it be referred to the Committee appointed to enquire into the authors, contrivers, printers and publishers of all seditious and traiterous libels, which tend to raise discontent and disaffection in the minds of his majesty's subjects, to examine precedents, in what manner persons who are prisoners in execution have been examined before this House, or any Committee thereof, and to report the same to the House with all convenient speed"

June 3. The lord Hinchinbrooke reported from the Committee, appointed to enquire into the authors, contrivers, and publishers of the above seditious and traiterous libel, &c. That the Committee had searched, and found several precedents of persons who, being in execution, had, nevertheless, been brought to the bar of the House of Commons, and his lordship delivered in the said report at the table. The said Report was read, and then Mr. Speaker acquainted the House, That an intimation had been left at his house that morning in writing, that Mr. Mist was to have his liberty that night by the consent of the marshal of the prison of the court of King's-Bench, in order for his going to France; and that the said Mist's wife was moving her goods And the House was also informed, That the said Committee, in the course of their examination, had likewise intimation, that it was apprehended that the said Mist would endeavour to escape, and that his wife was disposing of his goods And the House being informed that the marshal of the prison of the court of the King's Bench was above in the Speaker's chamber, he was called down, and at the bar examined touching the manner in which the said Mist was confined. And he acquainted the House, That the said Mist was kept in one Mulling's house, being the next house to the King's Bench prison, and where he usually keeps the king's prisoners. and that he was there under locks in the day time, and two keepers attending in the night: and then he withdrew. Hereupon it was ordered, " That Mr. Speaker do issue his warrants to the Serjeant at Arms, attending this House, and also to the marshal of the prison of the court of King's Bench, to bring the said N. Mist to the bar of this House immediately."

Accordingly Mist was brought in to the bar of the House, by the serjeant at arms; and pertinaciously refusing to be examined, under pretence that he understood there was a prosecution intended against him, he was directed by Mr. Speaker to withdraw; and it was ordered, " 1. That the said N. Mist be committed prisoner to Newgate, there to be kept in close custody during the pleasure of the House; 2. That the said Mr Mist be not admitted the use of pen, ink, or paper, and that no person be admitted to come to the said Mist, without the leave of the House. 3 That Mr. Speaker do issue his warrants accordingly; 4. That the keeper of Newgate prison, do bring the said N. Mist to the said Committee, appointed to inquire into the authors, printers, and publishers of seditious and traiterous libels, from time to time, when he shall be required so to do by the said Committee; and 5. That the said Committee be empowered to examine any person, they shall think fit, in the most solemn manner"

A few days after, N Mist was brought before the said Committee, and being examined about the author of his Journal, gave unsatisfactory answers On the other hand, some bold expressions and insinuations in Cato's Letters, published in the London Journal, having given no small offence to some men in power, the same Committee thought fit to send for I. Peele, the publisher of that paper, who thereupon absconded. Hereupon the Committee sent for Mr. Gordon, the reputed author of Cato's Letters, who being indisposed thought proper likewise to keep out of the way

SIXTH REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.] June 5. Mr. Clayton reported, from the Committee of Secrecy, some further matters as they appeared to the said Committee; and which they had directed him to report to the House; and he read the Report in his place, as follows:

SIXTH REPORT OF THE COMMITTEE OF SECRECY ON THE PROCEEDINGS OF THE SOUTH SEA COMPANY.

That the Committee of Secrecy appointed to inquire into all the proceedings relating to the execution of an act, passed the last session of parliament, intituled, "An Act for enabling the South Sea Company to increase their present capital stock, and fund, by redeeming such public debts and incumbrances, as are therein mentioned; and for raising money, to be applied for lessening several of the public debts and incumbrances; and for calling in the present exchequer bills remaining uncancelled; and for making forth new bills, in lieu thereof, to be circulated and exchanged, upon demand, at or near the Exchequer;" observing the instruction given them by the House,

That they should proceed in the farther examination of the particulars of the 574,500*l.* South Sea Stock, supposed to be disposed of between the 4th of February 1719, and the 12th of April following; they have accordingly proceeded therein.

And your Committee examined, in the most solemn manner, William Compere, one of the persons mentioned in the account of the said 574,500*l.* stock; and he declares, That he did not buy the quantities of stock, in the said account charged to be sold to him, neither of the South Sea Company, Mr. Knight, Mr. Surman, or any other person concerned for the Company, to his knowledge; nor had he any such stock taken in, or held, for him, by any of the persons aforesaid.

And the several other brokers, and persons, mentioned in the Appendix, Letter A, who are also inserted in the said account, as buyers of other parts of the said stock, having been examined by your committee, have, in like manner, denied their buying such stock, or having the same taken in, or held for them; and have declared, that their names are, in the said account, made use of without their knowledge or consent: and your Committee observe, That the several sums mentioned in the said Appendix A, amount to 339,500*l.* South Sea Stock.

And from hence it is evident, that the names of the said persons have been fictitiously made use of, in order to conceal the persons for whose benefit such stock was really disposed of.

Mr. Carbonnel, a broker, in the said account mentioned, is in Holland, as your Committee is informed, and they have had no opportunity of examining him, or the other persons mentioned in the Appendix, letter B, hereunto annexed; and the said stock charged as sold to them, amounts to 32,000*l.*

As to the Lords of Parliament, and members of this House, named in the said account of stock sold, which account of stock amounts in the whole to 124,000*l.* the particulars of which are mentioned in the Appendix, C; your Committee lay before the House all the examinations by them taken relating thereto, in the words of the examinations themselves.

Mr. *Robert Surman* being examined, and shewed the said accounts of stock sold, as to the several articles of 30,000*l.* and 2,000*l.* stock to lord Chetwynd, of the 15th and 17th February, 1719, at the rates of 179 and 183½ per cent. says, that when he was (by Mr. Knight's direction) preparing the said account of stock sold, to be laid before the House, Mr. Knight read those sums to him out of the green book, (mentioned in his former examination) wherein this examinant at the same time saw the lord Chetwynd's name, at the heap of an account therein kept between his lordship and Mr. Knight; and the examinant verily believes, that his lordship's name and the aforesaid sums, and all other names and sums which were read out of the said green book, are real, and that such persons had such stock actually laid for them; and that these two sums were really held by Mr Knight for lord Chetwynd's benefit, who had the power over so much stock, and had a right at any time to demand the difference, in case of a rise; and the examinant never heard that his lordship either paid any money or gave security for paying for the said stock.

That the several Entries in the Account Book of Stock sold, viz.

	£.	£.	
To Tho. Wynne, esq.	2,000 at	180	Feb. 15
John Roberts, esq.	1,000 —	178	March 1
Edward Rolt, esq.	5,000 —	174½	ditto
Samuel Tuffnell, esq.	5,000 —	182	ditto 11
John Bridge	2,000 —	200	ditto 17
Col. James Scot	1,000 —	250	ditto 21
Wm. Chetwyod, esq.	3,000 —	275	ditto 22
The same person	4,000 —	280	ditto
Thomas Wynne, esq.	2,000 —	275	ditto 22
Wm. Forrester, esq.	1,000 —	272	ditto
Col. Monroe	6,000 —	275	ditto
Patrick Halden, esq.	2,000 —	280	ditto
Edward Rolt, esq.	3,000 —	285	ditto
Earl of Rothes	2,000 —	300	ditto 18
Earl of Essex	2,000 —	305	ditto
Lord Huddington	2,000 —	308	ditto
Marq. of Winchester	2,000 —	310	ditto
Joseph Banks, esq.	1,000 —	310	ditto
Wm. Chetwynd, esq.	3,000 —	310	ditto
Col. Montgomery	2,000 —	315	ditto
Sir Montague Blundel	2,000 —	318	ditto
Sir Wilfred Lawson	1,000 —	320	ditto
William Yonge, esq.	3,000 —	330	Mar. 18
Coll Grahame	2,000 —	280	ditto 22

were all read to this examinant by Mr. Knight, out of the said green book, and are of the same nature; and touching these sums, he says the same as he has said concerning the first mentioned sums of 30,000*l.* and 2,000*l.* charged to be sold to the lord Chetwynd.

As to the article of the 15th of February, 1719, of 4,000*l* stock, and charged to be sold to lieut gen Pepper, at 180*l.* per cent This examinant says, it is of the same nature as the first mentioned sums; and farther, this examinant believes that gen. Pepper had such stock taken in for him by Mr. Knight.

Mr. Knight some time after the said 15th of February, told the examinant, that he had sold it for the general, who was angry at his selling of it so soon, stock soon after rising higher; and the examinant believes, if there was any difference, the same was paid or accounted for by Mr. Knight to gen. Pepper

As to the article of 4,000*l.* at 176*l.* per cent. and 3,000*l.* at 300*l* per cent. of the 23rd and 25th of March, charged to sir William Gordon, the examinant says, they are of the same nature as the first mentioned sums; and farther, that he had several times seen sir William Gordon with Mr. Knight, and verily believes the account of the said sums were adjusted between them.

As to the article of the 15th of February, of 20,000*l* to lord Gower, he says, That that was a transaction of Mr Gibbon's, who brought to Mr. Knight a paper, containing the names of persons to whom he had disposed of the Company's stock, saying, 'Here is the account of the stock which I have disposed of.' That he believes the following names and sums,

	£.	£.
Ld. Gower for the said	20,000 at	180 Feb. 15
Lord Lansdown for -	5,000 at	180 Mar. 1
His lordship more - -	5,000 at	176½ ditto.

were contained in the paper of Mr. Gibbon, and from that paper were entered by the examinant in the said account of the stock sold, that he does not know these names were in the green book, but believes an account was kept between Mr. Gibbon and Mr. Knight in the said green book, the examinant having seen Mr. Gibbon's name in that book, at the head of an account, and believes that these sums were held or taken in for the use of the said lord Gower and lord Lansdown.

That the following entries in the account of stock sold, viz.

£.	
1,000	to sir Cop Bampfield, at 275*l.* per cent. March 22
1,000	to Mr. J. Bampfield, at the same price and time.
1,000	to sir John Bland, at the same.
1,000	to sir Thomas Seabright, at the same.
1,000	to Henry Drucks, esq. at 260*l.* same day.
1,000	to Charles Longueville, esq. at 325*l.* March 25.
1,000	to sir William Carew, at 300*l.* Mar. 31

were all brought by Mr. Chester to Mr. Knight, in a paper containing an account of the stock disposed of by him, in the same manner, as Mr. Gibbon brought his particular sums, and from that paper the examinant, by Mr. Knight's direction, entered these sums in the account of stock sold.

That in discourse with Mr. Knight since this enquiry began, Mr. Knight has often expressed a great deal of uneasiness on account of stock sold and bought for the Company, saying, he had in these affairs obliged several persons, whom he did not care to name

Your Committee, at the request of the said Mr. Forrester, examined Mr. John Mark, banker, and as to the article of the 23rd of March, 1719, of 3,000*l.* South Sea stock charged to be sold to the said Mr. Forrester at 272*l.* per cent. he says, he did about this time buy at market for Mr. Forrester, 2,000*l.* or 3,000*l.* South Sea stock, at or about that price, and that Mr. Forrester being disappointed of money to pay for 1,000*l.* of it (sir Lambert Blackwell, who had bought an annuity of 100*l.* of him, not paying for it, because of an objection to the title) Mr. Forrester applied to the examinant to lend him money upon the 1,000*l.* stock, for two or three days, which the examinant not being able to do, he desired him to get it for him of a friend; upon which the examinant applied to sir Lambert Blackwell, and he told him, he would ask Mr. Knight to do it, which Mr. Knight, by sir Lambert's desire, accordingly did, upon the examinant's engaging to pay him the money in a few days, and the examinant named Mr. Forrestar to sir Lambert Blackwell.

The examinant afterwards told Mr. Forrester, he had got the stock taken in for him for a few days, but did not tell him by whom; that in a short time afterwards, Mr. Forrester paid the examinant the principal and interest, and the examinant paid Mr. Knight.

Mr. *Mark*, in a subsequent examination, says, that, to the best of this examinant's remembrance, the 1,000*l.* stock mentioned in his former examination, was by Mr. Forrester's direction, transferred to Mr. Sambrooke by this examinant, before this examinant paid Mr. Knight the money mentioned in his said former examination.

Sir *Lambert Blackwell* being likewise examined, at Mr Forrester's request, says, that about February or March, 1719, Mr. Mark told the examinant, that he had bought 1,000*l.* stock for Mr. Forrester, and that Mr. Forrester wanted money for a few days to pay for it; Mr Mark desired the examinant to speak to Mr Knight to advance the money, (which the examinant accordingly did, and the examinant afterwards told Mr. Mark, that Mr. Knight did advance the money) upon his agreeing to repay it; and that he, Mr Mark, repaid it with interest, very soon after it was so borrowed

Mr *John Edwin* being also examined, at the desire of Mr. Forrester, says, he never heard of the said 1,000*l.* till the account of

stock said was laid before the House. That since that time he met Mr. Forrester at a tavern, who seemed to be much surprised at the charge of 1,000*l.* stock to him, and declared, that he knew nothing of it; and he gave the examinant, and the rest of the company there, such a relation of the matter, as induced them to believe he was clear of the affair, but the particulars of this relation this examinant cannot remember.

As to the article of 2,000*l.* stock charged to sir Montague Blundell (now lord Blundell) your Committee, at his lordship's request, examined William Chetwyod, esq. Charles Colbourne, and Mr. Robert Surman. Mr. Chetwynd says, that on or about the 28th day of March, 1720, the said lord Blundell desired this examinant to transfer 500*l.* South Sea stock, which the examinant had in trust for lord Blundell, to Mr. Knight, as an additional security for 1,000*l.* stock taken in by him for lord Blundell, at 316*l.* per cent. amounting to 3,160*l.* which the examinant accordingly did.

That the examinant thinking the said 500*l.* stock, together with the said 1,000*l* stock, more than a sufficient security for the said 3,160*l.* did apply to Mr. Knight to take in 1,000*l.* stock for him (the examinant) upon the said 5,000*l* of additional security, at 320*l.* per cent. or thereabouts, which Mr. Knight complied with, at the sole request and desire of the examinant.

That neither this examinant nor lord Blundell, have received any manner of profit or advantage by either of the said 1,000*l.* stock; for the said 2,000*l.* now remains in the hands of Mr. Knight, or his agents; together with the 500*l.* stock additional security, which they in all probability must lose in this affair.

The said 2,000*l.* stock are distinct accounts; for this examinant did transfer to the said lord Blundell's use, 250*l.* stock, being his share of the additional security aforesaid; and this examinant did believe, when this matter was transacted, that it was on account with Mr. Knight only, wherein the Company was no ways concerned.

The said *Charles Colebourne* being examined, says, he did on or about the 26th of March 1720, buy 1,000*l.* South-Sea stock by the direction of Mr. Thomas Holdip, and Mr. William Chetwynd, or one of them, but for the account of the said lord Blundell, at the rate of 316*l.* per cent. which stock was paid for by Mr Surman, by order of Mr. Knight, on or about the 28th day of the said March 1720, and at the same time 500*l.* more stock was transferred by the said Mr. Chetwynd to the said Surman, which (as the said Chetwynd then informed this examinant) was so transferred, for, and as a farther security for the repayment of 3,160*l.* then paid for the said 1,000*l.* stock, at the said rate of 316*l.* per cent. with interest for the same.

The said *Surman* being examined says, there was 2,000*l.* stock charged to lord Blundell, read to the examinant out of the green book, as he has said in a former examination.

That about the 26th of March, 1720, William Chetwynd, brother-in-law to lord Blundell, transferred 500*l.* stock to this examinant, which he understood was an additional security for stock taken in by Mr. Knight; that after the enquiry began in parliament about the South-Sea affairs, Mr. Chetwynd came to the examinant to know how that 500*l.* was applied; and the examinant told him that it still remained due from him to Mr. Chetwynd, and at that time Mr. Chetwynd told him, the examinant, it was a security taken in by Mr. Knight, for lord Blundell and himself; and this examinant believes lord Blundell was then with Mr Chetwynd, by reason the examinant, through the hurry of business, had neglected, to take directions from Mr. Knight how to apply it.

The said Mr. *Robert Surman* being at the request of Thomas Wynn, esq. farther examined by your Committee, as to the said stock, said to be sold by him, says, he can say no more concerning that matter than he has said in his former examination.

Sir *John Blunt* being examined the 26th of January, 1720, says, he was privy to the selling of stock for the Company; that he did himself dispose of 6,000*l.* part of the Company's said stock, to col Monroe, a member of parliament, at 275*l.* per cent. that to the best of the examinant's remembrance, col. Monroe desired some stock to be taken in for him, (that is, to have the money advanced for him for so much stock) that he sent one Lopez a broker, to him, to take it in; but this examinant had leave from some of the governors and directors, to let Mr. Monroe have so much of the Company's stock; and upon that, this examinant told the broker, he would take it in for him, and sell it himself, that there was no stock transferred, but this examinant gave Mr Knight an account of so much of the Company's stock sold to Mr. Monroe; that in April last (to the best of his remembrance) col. Monroe, or his broiber, desired his stock might be sold, and upon that, this examinant referred him to Mr. Knight to deliver it; that he does not know that col. Monroe gave any security to the Company to answer the 275*l* per cent other than the said agreement made between the examinant and the said broker

That he also disposed of 1,000*l.* other part of the Company's said stock, to Jos. Banks, esq (a member of this House) at 310*l.* per cent. who desired this examinant to sell him so much stock at the market price, and to take his note, payable in a month or six weeks, for the money, which he accordingly did, which was paid about May following, at which time, the stock was advanced in value; and this examinant paid that money to Mr. Knight for the company's use, soon after he received it.

That after the time of agreeing with Mr. Banks for this stock, it fell in value for some time; that this was thus transacted; Sir John

Blunt gave Mr. Banks a note to transfer the quantity of stock, and took Mr. Banks's note for the money: Some time after these notes were given, and after the money paid, Mr. Banks dired to borrow 4,000*l.* (as he believes) on this stock; and he believes Mr. Knight took this examinant's note as so much stock. that he believes Mr. Knight lent him 4,000*l* accordiogly, in June last; that he had no view towards the facilitating the bill in the disposal of this stock, the said Mr. Monroe and Mr. Banks being inclined to pass the bill, before the stock was disposed of to them (as they had declared to him.) Your committee, at the desire of the said col. Monroe, examined Gabriel Lopez, a broker, as to the said 6,000*l.* stock charged to be sold to col. Monroe; and he says, that about the middle of March 1719-20, the said col. Monroe sent for him to Garraway's coffee-house, and gave him a letter directed to sir John Blunt, in which (to the best of the examinant's remembrance) col. Monroe desired him to take in for him 6,000*l.* South-Sea stock at interest, and that he would repay him again in a month. At the same time, col. Munroe ordered the examinant to buy for him the said sum of 6,000*l* South-Sea stock, which the examinant did at the same time, of sir John Blunt, at 275*l* per cent which was the then market price: and sir John Blunt did at the same time, agree to place the said sum of 6,000*l* South-Sea stock, to col. Monroe's account: and says, that within a month afterwards, col Monroe ordered him to sell the same 6,000*l.* South Sea stock again; which he accordingly did, to Mr. Patterson, at 330*l.* per cent. And Mr Patterson and Mr. Surman, by order of sir John Blunt, did adjust the said stock with col. Monroe, who did (to the best of his remembrance) pay about 80*l* for interest, and sir John Blunt gave the examinant commission for selling the said stock.

The said *Thomas Patterson* being hereupon examined by your Committee, at the desire of the said colonel Monroe, he says, that at the latter end of March, 1719-20, colonel Monroe desired the examinant to lay ont some money for him in South Sea stock: upon which the examinant gave the colonel a letter of credit on Mr. Lopez, (who transacted mostly the examinant's business) to act for the said colonel Monroe, to the value of 20,000*l.* In a day or two after (the examinant says) the colonel intreated him to take in 6,000*l.* South Sea stock for a month, which stock he would purchase; the examinant being much out of cash, which prevented his complying, he went with the colonel to the Sword Blade Company, and proffered himself as a further security to sir George Caswall, if he would take in the said stock. Sir George acquainted them, he had disposed of all the money he could spare, and the then examinant came from the Sword Blade office, with the colonel to Garraway's coffee-house; sir John Blunt being in the coffee-room; the examinant said to the colonel, you are acquainted with sir John Blunt, he is a moneyed man, ask him to lend the money on 6,000*l* South Sea stock, and tell him, I will be a farther security for seeing the money repaid Upon this the colonel went to sir John Blunt, and in a little time after the examinant went to them, and told sir John Blunt he would be bound for any money he should lend the colonel on stock, which sir John Blunt did not object to, and from that time the examinant thought himself bound to see the money repaid, which sir John Blunt should lend the colonel on stock; and in a few days after, the colonel acquainted the examinant, that Lopez had bought for him 6,000*l* South Sea stock, at 257*l.* per cent. and that sir John Blunt had lent the money, and desired the examinant to be ready to answer the difference if any should happen; the examinant told the colonel he was ready when sir John Blunt should demand it. That in the beginning of April, sir John Blunt at the South Sea house, told the examinant he should want his money before the 1st of May, 1720, and thereupon the examinant assured him he might depend on its being repaid, for he would sell the stock and see it performed. Accordingly the examinant sold the stock in April, and sir John Blunt sent the examinant's broker to Surman to deliver the stock. He says the money with interest was repaid Surman, on the delivery of the stock, and that he did not know sir John Blunt sold the stock, or that it was the Company's, till January last, for the transaction appeared to the examinant as if it had been upon sir John's own account.

Your Committee having received a letter from Mr. Banks, desiring that sir John Blunt might be further examined as to the said 1,000*l.* stock: your Committee accordingly again examined him, and he says, that he never did tell Mr. Banks that this was the Company's stock till about Christmas last, and he believes till that time Mr. Banks did not know that it was so that about Christmas last, after this enquiry began, the examinant went to Mr. Banks, and told him, this 1,000*l.* was the Company's stock: at which Mr Banks was very much surprized, but said that it signified nothing to him, or to that effect: the examinant says, he also (by the direction of Mr. Knight) offered to leave Mr Banks's name out of the list, which Mr. Banks refused, saying, as he had bought it, and honestly paid for it, and more than he could afterwards have bought it for, he would not have his name cancelled, or to that effect: that Mr. Banks also, a day or two afterwards, wrote the examinant a letter to this purpose, which letter he has at present mislaid.

Your Committee likewise, at Mr. Banks's request, examined Mr Joseph Banks, jun. his son: who says that he was not present either when his father Joseph Banks, esq. bought the said 1,000*l.* South Sea stock of sir John Blunt, or paid him 3,100*l.* for it, on the 6th of May 1720, but was informed thereof by his father, who talked of it publicly, not as a favour done him, nor a thing to be concealed, but as

an accidental bargain, and often said, he could have bought it soon afterwards near 500*l.* cheaper in Exchange alley.

That about the 9th or 10th of June, when stock was 750*l.* per cent. and the South Sea Company were making a loan of 400*l.* per cent. on their stock, the examinant desired his father either to borrow or let him borrow 4,000*l.* on that stock; which he consented to, but told the examinant, that sir John Blunt (to save the charge of a transfer and being in a hurry) had only given him a note for transferring the said stock, and then gave the examinant the said note, of which he kept a copy, and the same is in the following words:

'May 6th, 1720.

'I promise to transfer to Joseph Banks, 'esq or order, 1,000*l.* South Sea Stock, value 'received. JOHN BLUNT.'

Which note the examinant, on the 10th of June, carried to the South-Sea House, and enquired for sir John Blunt; and after some time found out the room at the bottom of the great stairs, where he was with several other gentlemen, and was called in, and shewing him the note, told him, that he was come to have the said 1,000*l.* stock transferred to Mr. Banks, which sir John Blunt said he would do immediately; but there being then a great crowd, he desired the examinant to stay a quarter of an hour, which the examinant accordingly did, but the crowd still continuing, sir John Blunt refused to go; at which the examinant being angry, and not willing to wait any longer, sir John said, he would desire Mr. Knight to do it for him, and that he would transfer the like sum to Mr. Knight another time, which the examinant consented to, and gave him up his said note, taking of him at the same time another note in the following words.

'June 10th, 1720.

'I promise to transfer to Robert Knight, 'esq. or order, 1,000*l* South-Sea stock, value 'received 1,000*l.* South-Sea stock of John 'Banks, esq. 'JOHN BLUNT.'

Which note the examinant immediately conveyed to Mr. Knight, in a room up stairs, at the South-Sea House; and having acquainted him with the matter, gave him sir John Blunt's last mentioned note, upon which he made an entry in a book, which the examinant says, he thought was transferring it, but the examinant did not sign any thing, but received from Mr. Knight 4,000*l.* for his father's use, as a loan upon the said stock; which Mr. Knight very readily paid him without taking any note or security for it, from the examinant, save the delivering up sir John Blunt's note as aforesaid.

That there was not one word passed from sir John Blunt to Mr Knight, as if that stock had been the Company's stock, nor did the examinant think, or in the least suspect it to be so; that the said 4,000*l.* is not yet repaid, but remains due upon the said stock, for ought he knows. That [illegible]

Your Committee, at the request of col. Scott, examined Charles Asgill; who says, that on or about the 1st day of April, 1720, he did, by order of Mr. Thomas Patterson, buy of Matthew Weymondsold, 1,000*l.* South-Sea stock, at 309*l.* per cent to be paid for on the 4th of the same month; that applying to Mr. Patterson for the money, to pay for the same, he ordered this examinant to go to Mr. Knight, in the name of col. James Scott, to borrow it; that the examinant accordingly went, but Mr. Knight would lend no more than 2,500*l* on the said 1,000*l.* stock, being after the rate of 250*l.* per cent of which this examinant acquainted Mr. Patterson; who approving thereof, gave this examinant 590*l.* to reduce the said 1,000*l.* stock from 309, to 250*l* per cent. which being done, the said 1,000*l.* stock was, on the said 4th of April, 1720, transferred by Mr. Surman, by Mr. Knight's order, at 250*l* per cent.; that this whole affair was transacted by the direction of Mr. Patterson, and the examinant did not know col Scott till a considerable time after.

The said Mr. Asgill being also examined, at the request of col. Montgomery, as to the said 2,000*l.* stock charged to be sold to him, says, that on or about the 29th of March, 1720, this examinant, by the order of Mr Thomas Patterson, went to Mr Robert Knight, in the name of col Montgomery, to borrow money on 2,000*l.* South-Sea stock, which Mr. Knight complied with; but said, he would lend no more than 5,000*l.* on 2,000*l.* stock, being at the rate of 250*l.* per cent. unless 500*l.* stock more was transferred to him, or his order, as a farther security, and then he would lend 6,300*l.* being after the rate of 315*l.* per cent. the then market price; but told this examinant, that if the gentleman had not bought the said 2,000*l.* stock, not to let him buy it, for that he (Mr. Knight) would sell it him, rather than puzzle his accounts with transfers, and being at the trouble of raising the money; of which this examinant acquainted Mr. Patterson, who approving thereof, ordered the examinant to buy the said 2,000*l.* stock of Mr. Knight, which he did accordingly at 315*l* per cent. and Mr. Knight agreed to continue the said 2,000*l.* stock in his own name, on condition that the said 500*l.* stock was transferred, as a farther security for the taking of the said 2,000*l.* stock, and payment of the said 6,300*l.* being 315*l.* per cent. agreed to be paid as aforesaid with interest, which 500*l.* additional stock was accordingly transferred to Mr. Surman by Mr. Knight's order, on the same day, or the day following: That this whole affair was transacted by Mr. Patterson's direction, and that he did not know col. Montgomery till a month after, or longer.

Your Committee examining the said Patterson, at the request of the said col. Scott, and col. Montgomery, he says, that about the latter end of March 1719, col. John Montgomery and col. James Scott, desired the examinant to buy some South-Sea stock for their use, and

upon their account, which the examinant consented to; and thereupan sent for Mr. Asgill a broker, and gave him directions to buy 3,000*l.* South-Sea stock, viz 2,000*l.* for col Montgomery, and 1,000*l.* for col. Scott, and told Asgill he would give any security that should be demanded by any person, who would take in the said 3,000*l.* stock. Asgill then said to the examinant, he would go and propose it to Mr Knight; and Asgill returned to the examinant in half an hour, and acquainted the examinant, Mr Knight would take in 2,000*l* stock for col Montgomery, if 500*l* more stock was transferred to him for securing the same. And that Mr Knight would lend 2,500*l.* money on 1,000*l.* stock for col James Scott, both which the examinant approved of, and ordered Asgill to buy the 1,000*l.* stock for col. James Scott, and gave him money to reduce the stock to 250*l.* per cent. and the examinant transferred the 500*l.* stock to Mr Knight for col Montgomery.

Sir *John Blunt* being examined, and asked whether he did not know, or believe that the said 574,500*l* stock, or any part thereof, was disposed of to facilitate the passing of the bill in parliament? He says, that the first parcel (to the best of his remembrance) of the said stock which was disposed of (as this examinant was informed by Mr. Gibbon, one of the directors) was about the sum of 20,000*l* or 30,000*l* sold or disposed of by the said Gibbon (to the best of his remembrance) that the intention thereof was for the service of, and to make more friends for the Company, and he does not know at what price: That he does not know whether any money was, or was not paid to the Company for the said stock, nor does he know any thing more relating to the said transaction

Your committee examining the said Mr. Gibbon, as to the account of stock entered in the cash-book to be sold, he says, he never saw any account of it, but what is in the book, until a paper drawn up by Mr Knight was shewn him, after the order of the House of Commons, and he looked upon it but cursorily.

He says, that about the latter end of February last, Mr. Knight said to him, it would be for the Company's advantage to sell some stock, it being then at a good price, between 170 and 180*l.* per cent. and if the bill did not pass, it would be well sold, and if it did pass, the rest would sell at a better price; that he does not know that the Company had then stock to dispose of.

That Mr. Knight said, he was to take upon himself the transacting that stock, and the persons to whom it was to be delivered were to be accountable for the price; but that he was to transact this on behalf of the Company, and that the persons who were to have it, might either have it transferred to them, or take the difference.

He does not know of any stock disposed of to any member of either House of parliament, except what is mentioned to be done by him, in the account delivered in to the House; and does not remember any one else named stock.

He believes that Mr. Knight told him, that Mr. Holditch and Mr. Hawes disposed of stock to members of the House of Commons, who are not named in the account delivered in to the House.

As to the 20,000*l* charged in the account to lord Gower, he says that lord Gower sent to him about the latter end of February last, to help him to buy 20,000*l.* stock, which this examinant said he would try to do, and believed he could do it, that the same day, or the next day, this examinant spoke to Mr Knight, and asked him to undertake to deliver this stock, at three months time, at 130*l.* per cent. which he complied with; and this examinant took Mr. Knight's note for so much stock accordingly; and it was understood that the stock was to be delivered three months after, it being not paid for before, with the interest in the mean time: that he gave lord Gower his own note for the delivery of this stock in three months, and took his lordship's note to accept it, and pay the money in three months time with interest; in the mean time, that there was 4,000*l* South-Sea stock transferred to this examinant by a steward of the duke of Rutland, and lord Gower told the examinant, that the said 4,000*l.* should be transferred to him as farther security, and that the duke of Rutland was concerned in the bargain; says, that the stock was accordingly transferred to him a few days afterwards, and lord Gower told him, some part of the 20,000*l.* stock was afterwards sold at about 300*l.* per cent (as he believes) and this examinant said, that Mr. Knight received the money, and kept the account of it, and believes that lord Gower did not know that Mr. Knight transacted it; and says, that this examinant's agreement with Mr. Knight for the delivery of this stock, was absolute in all events; when Mr Knight afterwards, upon making up the account of stock sold, told this examinant that this 20,000*l*, was Company's stock, and must be put down so; the examinant said, then he must give him his own name and the name of lord Gower, to whom it was disposed of; believes, that other part of this stock was sold at 350*l* per cent. and the other part at 400*l* per cent. and that no part of the money was paid by lord Gower till after the first parcel of the stock was sold, which was much sooner than the time of payment, and this account was made up by Mr. Knight about the end of the three months.

As to the two sums of 500*l.* stock each, charged in the account to lord Lansdown, this examinant had a note from his lordship for acceptance and payment, and his lordship agreed to give security, but the price of stock rising, this examinant did not insist upon it.

He believes that both parcels of stock were sold in about a month's time, and that part of it was transferred to lord and lady Lansdowne, and the account of it was made up, and the money to be paid allowed with interest: that this examinant believes lord Lansdown had no knowledge of this being the Company's stock; that he gave lord Lansdown two notes for de-

livery of the stock, and depended upon Mr. Knight for it; and believes Mr. Knight intended to charge the said lord Lansdown's stock to the Company's account, if he could get it allowed, otherwise he was to answer it himself. And this examinant took a note from Mr. Knight to himself for delivery of the said 20,000*l.* stock, and also of the said two 500*l.* stock; and that lord Lansdown's name was inserted in the account, in the same manner as lord Gower's.

Mr. *Chester* being examined, says that the stock he disposed of to members of parliament, they actually bought of him, and he believes knew not that such stock was the Company's After such members had bought the stock of him, this examinant went to Mr. Knight, and bought so much stock of him, and ordered him to deliver it to those gentlemen, to whom he had so sold it; and after he had agreed with Mr. Knight, the examinant referred them to Mr. Knight, with whom he believes they transacted it.

That the dates entered in the accounts of stock are not true, as he believes.

That that the persons to whom he sold the stock, were

	£.	per cent.
Henry Dracks, esq. - -	1,000	at 260
Sir Copp. Bampfield - -	1,000	at 275
John Bampfield, esq. - -	1,000	at 275
Sir John Bland - - -	1,000	at 275
Sir Thomas Seabright -	1,000	at 275
Charles Longueville, esq.	1,000	at 325
Sir William Carew, knt.	1,000	at 300

which two last, (by reason of the price) he believes, were after the bill passed.

That as to Mr. Dracks, this examinant says, there had been several years' dealing between him and Mr. Dracks, the examinant seldom receiving less than 4,000*l.* per ann. on Mr. Dracks' account, and there was a running account between them at the time of this transaction; that Mr. Dracks some time after the buying the stock for him, did pay the examinant 2,600*l.* for it, and the examinant forthwith paid that sum to Mr. Knight, or Mr. Surman, for the same.

As to sir Copp. Bampfield, Mr. Bampfield, sir John Bland, and sir Thomas Seabright, the examinant says, he had letters from them for the acceptance of such stock; and particularly from sir Copp. and Mr. Bampfield, and some time after stock being fallen 30 or 40 per cent Mr. Bampfield came to the examinant, and told him that sir Copp. and himself were ready to take the stock whenever he pleased, and about the same time sir William Carew made him the said offer.

Sir John Bland's stock was afterwards (as he believes) sold for himself by Mr. Knight.

That Mr. Longueville came to the examinant, and offered the money for his stock; and the examinant acquainted him, that he had transacted it with Mr. Knight, and sent Mr. Longueville to him, and he paid the money to Mr. Knight (as the examinant verily believes).

The examinant says, he does not know that the stock so disposed of by him, was part of the fictitious stock, said to be sold by the Company; but as to his belief he cannot answer; that at the time he bought this stock of Mr. Knight, he really believed it was Mr. Knight's own private stock, and did not know, nor had heard, that Mr. Knight sold or transacted any of the Company's stock at that time or before.

That when he wanted to buy stock, he sometimes bought it of Mr. Knight.

That when he thus disposed of the aforesaid stock, he had a considerable quantity of his own stock, but he did not sell the said gentlemen his own stock, but bought it of Mr. Knight for them as aforesaid: that he did not know that this was the Company's stock, till about the time he saw the account of stock sold, prepared by Mr. Knight, to be laid before the House; and then Mr. Knight told him, that the stock which he had sold him was part of the stock sold by the Company.

Sir *Robert Chaplin* being examined as to the 1,000*l.* South-Sea stock sold to him and Edward Rolt, esq. by Mr. Knight in February, 1719, at 174*l* per cent says the agreement with Mr. Knight for this stock was verbal, and neither the examinant nor Mr. Rolt gave any note to pay for it; that neither he nor Mr. Rolt knew it was the Company's stock, but thought it was bought with Mr. Knight's money; that Mr. Knight and he going into a coach together to Westminster, the examinant complained he had not money, upon which Mr. Knight offered to buy 5,000*l.* stock for him; that at Westminster Mr. Rolt made the same complaint of want of money, and the examinant told him what had passed between him and Mr. Knight; and then Mr. Rolt and the examinant agreed to have 10,000*l.* stock in partnership, Mr. Knight agreeing to get it for them: that Mr. Rolt and he afterwards agreed to sell this stock at 197*l* per cent. and Mr. Knight paid them the difference of the advanced price.

Sir *John Fellows* being examined as to the fictitious stock sold, says, that he heard that Mr. Rolt, of Hertfordshire, had some stock held for him by the Company: and says, that he did not pay the money for it, (as this examinant believes) that he has also heard Mr. Wynn, a member of parliament, had some stock held for him in the same manner, without paying for it (as he believes): That he believes he has lately heard, that lord Lansdown and lord Gower had some of this stock held for them in the same manner: And that these things were generally transacted by Mr. Knight, and that he should rather believe that no money was paid by them for it.

Mr *James Colebrook* being examined, says, that in December, 1719, he became acquainted with sir William Gordon (one of the commissioners of the army accounts) the examinant having then a memorial depending before the said commissioners: That he was told by

Mr. Dent, a clerk there, that sir William seeing that memorial, asked him if it was the examinant's? Which Mr. Dent said it was; that the warrant upon it was signed, and sir William came to the examinant the next day, and told him he had signed his warrant, and desired some of the subscription, which the examinant then took in; and he desired to have 5,000*l.* of it; the examinant told him, he would speak to some of the managers, which he did; and thereupon sir William Gordon had 2,000*l.* of that subscription; and the examinant gave him 3,000*l.* of his own; that this was the beginning of his acquaintance with sir William Gordon; that on or about the 17th of February, 1719, sir William Gordon, (whom your Committee observe charged in the said account of stock sold, to have bought 7,000*l.* part thereof) gave the examinant orders to give out 12 guineas per cent for the refusal of South-Sea stock, for three months, at the rate of 200*l.* per cent. And the examinant, the next day (as he remembers) informed sir William by letter, that he had accordingly done it for 5,000*l.* stock; that his partner, Mr. Ruck, signed the contracts for 3,600*l.* part of it; and the examinant indorsed a contract made by Mr. Boys of Kent, for the remaining 4,000*l.* About the middle of May, sir William demanded a performance of this bargain, which was accordingly completed, and he believes sir William gained considerably thereby.

That in February, or the beginning of March, 1719, on or about the day when the House of Commons was in a Committee about the South-Sea bill, sir William Gordon came to the examinant, and desired him to lend him some thousand pounds on South-Sea stock, he believes, a sum to purchase no less than 4,000*l.* South-Sea stock, which the examinant told him did not suit his convenency to do, and the examinant refused it; he was very pressing: Upon this he desired the examinant to go with him to Mr Knight, but the examinant cannot remember whether sir William Gordon or he first mentioned Mr. Knight's name: This examinant accordingly did go along with him, and they found Mr Knight and Mr. Hawes together, in the treasury-room, at the South-Sea House. Mr Hawes came to the examinant, and asked him, who that was with him? He told him it was sir William Gordon, Mr. Hawes asked what he wanted? The examinant said he wanted money, which it did not suit his convenency to supply him, or words to that effect. Upon this Mr. Hawes went to Mr. Knight, and Mr. Knight came to sir William, and the examinant told Mr Knight what sir William Gordon wanted; then Mr. Knight and sir William went to the other end of the room, and the examinant believes that Mr Knight then let sir William have some of the South-Sea Company's stock at the market price, without paying any money for it, but does not know what sum; his reason for his belief in this matter is, because in conversation with sir William Gordon, in May following, he told the examinant, that he had made up with Mr Knight the stock which Mr Knight had accommodated him with, which the examinant now believes was the Company's stock, which Mr. Knight had let sir William have in February or March, 1719, as aforesaid, that he thinks sir William mentioned his thus making it up by way of regret, that he should have made it up so soon, the stock soon afterwards rising higher than it was at that time.

The said *William Dent* being examined, says he did apply several times to have Mr Colebrook's debentures signed; that he spoke to all the commissioners, particularly to sir William Gordon; that at the same time, sir William asked the examinant, whether Mr. Colebrook was the same person that was concerned in the undertaking, called Ram's and Colebrook's insurance? The examinant told him he was: Upon which sir William said he must have some of it, and sir William desired the examinant to meet him in the city, for he wanted to speak to Mr. Colebrook; that the examinant acquainted Mr. Colebrook thereof, and sir William and the examinant met him accordingly; but the examinant cannot say whether they met at Mr. Colebrook's house or at a tavern; nor does he remember the conversation, or whether the debenture was signed before or after that time; that some time between Christmas and the expiration of the commission, on the 10th of March, 1719, Mr. Colebrook told the examinant (to the best of his remembrance) that he had let sir William Gordon have 5,000*l.* of the receipts of the said insurance, 2,000*l* whereof was Mr. Colebrook's, and 3,000*l* he bought in order to accommodate sir William.

Mr *Francis Hawes* being thereupon examined, says, that he remembers sir William Gordon came with Mr. Colebrook to the South Sea house, to the examinant; and that Mr. Colebrook spoke to the examinant to recommend sir William Gordon to Mr. Knight, and the examinant believes, upon that application, he did recommend sir William to Mr Knight, but the examinant cannot remember upon what account.

And your Committee farther acquaint the House, that in the book mentioned in their former report to have been delivered in to your Committee, by the present directors of the South Sea Company, (intitled, An Account of the names of such persons to whom loans have been made on South-Sea stock, who at that time, when such loans were made, do not appear by any books to have transferred the stock to the South-Sea Company, for the security thereof) your Committee do find the names of several of the persons mentioned in this their report, contained in the said account, of whose names, as also the particular sums borrowed, and the stock supposed to be transferred by them, your Committee transcribe out of the said books, as followeth, viz.

Dates 1720	Borrowers names.	Sums paid to be transferred.	Money lent thereupon	
		l.	*l.*	*s.* *d.*
June 22	Sir M. Blundal	800 -	3,200	0 0
Aug 29	Joseph Banks	1,100 -	4,000	0 0
June 10	John Burridge	2,750 -	10,955	0 0
	20 Hon. W. Chetwynd - - -	10,500 -	30,000	0 0
	22 Henry Dracks	1,100 -	4,000	0 0
	10 Cap. Forrester	1,100 -	4,000	0 0
May 30	Pat. Haldane	3,800 -	11,500	0 0
June 20	Sir W. Lawson	1,100 -	4,100	0 0
Aug. 26	The ld. Ruthes	1,000 -	4,000	0 0
May 11	Edward Rolt	1,500 -	4,275	0 0
Aug. 29	Thomas Wynn	3,300 -	11,745	16 8
	23 William Yonge	2,750 -	13,300	0 0

Your Committee, before the order of the House for receiving this report, had taken several examinations relating to several members of this House, not mentioned in the account of stock sold: and, since that order, your Committee have taken several other examinations relating to some of the said members; and are taking further examinations. wherefore your Committee think it proper to confine this report to the members mentioned in the account of stock sold; and will lay such other matters as have or shall occur to them, with all convenient speed, before the House

Farther Debate concerning the Allowances to be given to the South-Sea Directors out of their Estates.] June 1 In a grand committee of the South-Sea Sufferers' Bill, the Commons resumed the consideration of what Allowances should be given to the late Directors out of their Estates; and, continuing in the alphabetical order, began with sir Robert Chaplin. Lord Molesworth, and sir John Eyles, having spoke in his favour, it was agreed, without dividing, to allow him 10,000*l* and the same allowance was given to sir William Chapman, Mr. Chester, and Mr. Child.

A motion being made to give Mr. De la Porta the like sum, the lord Molesworth was for reducing it to 7,000*l*. but upon the question, whether to allow him 10,000*l* or 7,000*l* it was carried for 10,000*l*. by 150 votes against 69.

Mr. Eyles's case appearing in a favourable light, he was allowed 20,000*l*. without dividing; and Mr. Edmonson's estate amounting to little more than 5,000*l*. it was moved to allow him the whole, and to leave him out of the bill; but after some debate, it was agreed to allow him only 3,000*l*.

Then the question was put, whether to allow Mr. Gibbon* 15,000*l*. or 10,000*l*. and it was resolved for the latter without dividing

It appearing that Mr. Gore and sir William Hammond had little or no share in the fraudulent contrivances of the leading directors, the first was allowed 20,000*l*. the other 10,000*l*.

various and extensive dealings, even his opinions were subordinate to his interest; and I find him in Flanders, clothing king William's troops, while he would have contracted with more pleasure, though not perhaps at a cheaper rate, for the service of king James. During his residence abroad, his concerns at home were managed by his mother Hester, an active and notable woman. Her second husband was a widower, of the name of Acton; they united the children of their first nuptials. After his marriage with the daughter of Richard Acton, goldsmith in Leadenhall-street, he gave his own sister to sir Whitmore Acton, of Aldenham; and I am thus connected, by a triple alliance, with that ancient and loyal family of Shropshire baronets. It consisted about that time of seven brothers, all of gigantic stature; one of whom, a pigmy of six feet two inches, confessed himself the last and least of the seven; adding, in the true spirit of party, that such men were not born since the Revolution. Under the Tory administration of the four last years of queen Anne, (1710—1714) Mr Edw. Gibbon was appointed one of the commissioners of the customs; he sat at that board with Prior; but this merchant was better qualified for his station than the poet; since lord Bolingbroke has been heard to declare, that he had never conversed with a man, who more clearly understood the commerce and finances of England. In the year 1716, he was elected one of the Directors of the South Sea Company; and his books exhibited the proof that, before his acceptance of this fatal office, he had acquired an independent fortune of sixty thousand pounds.

"But his fortune was overwhelmed in the shipwreck of the year twenty, and the labours of thirty years were blasted in a single day. Of the use or abuse of the South Sea scheme, of the guilt or innocence, of my grandfather and his brother Directors, I am neither a competent nor a disinterested judge. Yet the equity of modern times must condemn the violent and arbitrary proceedings, which would have disgraced the cause of justice, and would render injustice still more odious. No sooner had the nation awakened from its golden dream, than a popular and even a parliamentary clamour demanded their victims, but it was acknowledged, on all sides, that the South Sea Directors, however guilty, could not be touched by any known laws of the land. The speech of lord Molesworth, the author of the State of Denmark, may shew the temper, or rather the intemperance, of the House of Commons. 'Extraordinary crimes (exclaimed that ardent 'Whig) call aloud for extraordinary remedies. 'The Roman lawgivers had not foreseen the 'possible existence of a parricide but as soon 'as the first monster appeared, he was sewn in

* This Mr. Edward Gibbon was the grandfather of our celebrated Historian, who, in the Memoirs of his own Life and Writings, has given us the following interesting account of his ancestor:

It was proposed to give Mr. Hawes 1,000*l* but sir Nathaniel Gould having observed, that he was very active in the late vile practices, and had occasioned the ruin of many people, particularly of some gentlemen he had been under in the Navy-Office, Mr. Docminique moved thereupon, and it was agreed, without dividing, to allow him only 31*l*. being the odd money of the particulars of his estate.

Lord Hinchinbroke and sir Robert Rich spoke in favour of Mr. Horsey, and moved for allowing him 10,000*l* which was carried without dividing; after which it was debated, whether to allow Mr Holditch 500*l* 1,000*l*. or 5,000*l*. the voices were equally divided, viz 86 and 86, upon which Mr. Clayton, the chairman, gave the casting vote for 5,000*l*.

June 2 The Commons, in a grand Committee, proceeded on the same affair, and began with sir Theodore Janssen: Mr. Horatio Walpole and sir Richard Steele having spoke in his favour, they were answered by general Ross

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'a sack, and cast headlong into the river; and 'I shall be content to inflict the same treat-'ment on the authors of our present ruin.' His motion was not literally adopted; but a bill of pains and penalties was introduced, a retroactive statute, to punish the offences, which did not exist at the time they were committed Such a pernicious violation of liberty and law can be excused only by the most imperious necessity; nor could it be defended on this occasion by the plea of impending danger or useful example. The legislature restrained the persons of the Directors, imposed an exorbitant security for their appearance, and marked their characters with a previous note of ignominy; they were compelled to deliver, upon oath, the strict value of their estates; and were disabled from making any transfer or alienation of any part of their property. Against a bill of pains and penalties it is the common right of every subject to be heard by his counsel at the bar; they prayed to be heard; their prayer was refused, and their oppressors, who required no evidence, would listen to no defence It had been at first proposed that one-eighth of their respective estates should be allowed for the future support of the Directors; but it was speciously urged, that in the various shades of opulance and guilt, such an unequal proportion would be too light for many, and for some might possibly be too heavy The character and conduct of each man were separately weighed, but, instead of the calm solemnity of a judicial inquiry, the fortune and honour of 33 Englishmen were made the topic of hasty conversation, the sport of a lawless majority; and the basest member of the committee, by a malicious word or a silent vote, might indulge his general spleen or personal animosity. Injury was aggravated by insult, and insult was embittered by pleasantry. Allowances of twenty pounds, or one shilling, were facetiously moved A vague report that a Director had formerly been concerned in another project, by which some unknown persons had lost their money, was admitted as a proof of his actual guilt One man was ruined because he had dropt a foolish speech, that his horses should feed upon gold, another because he was grown so proud, that, one day at the treasury, he had refused a civil answer to persons much above him. All were condemned, absent and unheard, in arbitrary fines and forfeitures, which swept away the greatest part of their substance. Such bills of oppression can scarcely be shielded by the omnipotence of parliament; and yet it may be seriously questioned, whether the judges of the South Sea Directors were the true and legal representatives of their country. The first parliament of George the 1st had been chosen (1715) for three years; the term had elapsed, their trust was expired: and the four additional years (1718—1722), during, which they continued to sit, were derived not from the people, but from themselves; from the strong measure of the septennial bill, which can only be paralleled by 'il serar di consiglio' of the Venetian history. Yet candour will own, that to the same parliament, every Englishman is deeply indebted the septennial act, so vicious in its origin, has been sanctioned by time, experience, and the national consent. Its first operation secured the House of Hanover on the throne, and its permanent influence maintains the peace and stability of government. As often as a repeal has been moved in the House of Commons, I have given in its defence a clear and conscientious vote

"My grandfather could not expect to be treated with more lenity than his companions. His Tory principles and connections rendered him obnoxious to the ruling powers, his name is reported in a suspicious secret; and his well-known abilities could not plead the excuse of ignorance or error. In the first proceedings against the South Sea Directors, Mr Gibbon is one of the few who were taken into custody; and, in the final sentence, the measure of his foe proclaims him eminently guilty. The total estimate which he delivered on oath to the House of Commons amounted to 106,543*l* 5*s*. 6*d*, exclusive of antecedent settlements Two different allowances of 15 and of 10,000*l*. were moved for Mr. Gibbon; but, on the question being put, it was carried without a division, for the smaller sum. On these ruins, with the skill and credit, of which parliament had not been able to despoil him, my grandfather at a mature age erected the edifice of a new fortune: the labours of sixteen years were amply rewarded; and I have reason to believe that the second structure was not much inferior to the first He had realized a very considerable property in Sussex, Hampshire, Buckinghamshire, and the New River Company, and had acquired a spacious house, with gardens and lands, at Putney, in Surrey, where he resided in decent hospitality. He died in Dec. 1736, at the age of seventy."

and sir Joseph Jekyll; but Mr. Trenchard moving for allowing him 50,000*l.* and the question being put thereupon, it was carried in the affirmative, by a majority of 154 votes against 118

Sir Jacob Jacobson being one of those who had the least share in the management of the fraudulent scheme, Mr. Hungerford moved to allow him 11,000*l.* which was all his estate, except 481*l.* 4*s.* which was agreed to without a negative.

Mr. Ingram's case being much the like, Mr. Pulteney moved for allowing him 12,000*l.* near three fourths of his estate, and being seconded by lord Hinchinbroke, it was carried without dividing.

The next was sir John Lambert: some members were inclined to believe him innocent, as to the first projection of the villainous scheme, and thereupon a motion was made to give him 20,000*l.* some would have reduced it to 10,000*l.* some to 5,000*l.* and some to 3,000*l.* But at last the question being put for 5,000*l.* it was carried without dividing.

Then it was moved, and carried without opposition, to allow sir Harcourt Master 5,000*l.* and in the same manner Mr. Morley had 1,800*l.* allowed him.

A Member having moved to allow Mr. Page 10,000*l.* another would have reduced it to 5,000*l.*, but the question being put, which of the two sums should be given him, it was carried for 10,000*l.* without a division.

Col. Raymond was next; and his case appearing favourable, Mr. Heysham moved for allowing him 30,000*l.* and being seconded by Mr. Tuffnel, sir Robert Raymond, and Mr. Hungerford, no opposition was made to Mr. Heysham's motion.

After this, Mr. Sloper moved for allowing Mr. Read 10,000*l.*, and, being backed by sir John Ward and Mr Dommicque, the same was carried without any debate.

In the like manner the sum of 14,000*l.* was allowed to Mr. Reynolds.

June 3 Mr. Hungerford having moved for allowing Mr. Sawbridge 10,000*l* he was opposed by Mr. Lowndes, lord Molesworth, sir Adolphus Oughton, and Mr. Horatio Walpole: but at last, a member moving for 5,000*l* it was agreed to without dividing. In the same manner, the sum of 15,000*l* was allowed to Mr. Tillard, and 800*l.* to Mr. Turner, which was near his whole estate.

Having gone through with the Directors, the Committee proceeded to Mr Surman, the Deputy Cashier, whose case occasioned a debate of about an hour and a half.

Mr. *Grey Neville*, who spoke most in his behalf, represented, That in the course of the whole affair he had only acted as a servant, and by the command either of Mr. Knight, or of the Directors, and therefore strenuously insisted, that he might be left out of the bill.

Mr. *Arthur Moore* spoke likewise in his favour, and moved to allow him 30,000*l.*

Mr. *Hungerford* would have reduced it to 20,000*l*

Mr. *Lechmere* to 12,000*l.*

Another member to 10,000*l.* and another to 5,000*l.* All these were opposed by sir Joseph Jekyll, serjeant Pengelly, and Mr. Horatio Walpole, who would not have allowed him above 20*l.* or 30*l.* At last the question being put for allowing him 5,000*l.* it was agreed to without dividing.

June 10. The Commons, in a Committee of the whole House, considered farther of the South Sea Sufferers' Bill, particularly with relation to the Allowances to be given to Mr. Grigsby.

Mr. *Arthur Moore* moved to allow him 10,000*l.* but

Another member said, That since that upstart was once so prodigally vain, as to bid his coachman feed his horses with gold, no doubt but he could feed on it himself; and therefore he moved, That he might be allowed as much gold as he could eat, and that the rest of his estate might go towards the relief of the sufferers.

After this a motion being made for allowing him 2,000*l.* it was carried without a division.

Mr. Aislabie's case came next under consideration.

Mr. *Robert Walpole* moved, that so much of his estate might be allowed him, as he was possessed of towards the end of the year 1719, before the South Sea bill was brought in,* and

* That Mr. Aislabie took an active part in behalf of the first Proposal of the South Sea Directors, [See p 626] in January 1720, appears from the following extract of a letter from Mr. Thomas Brodrick to the Lord Chancellor Middleton.

"Friday (the day of great expectation) the Chancellor of the Exchequer, in pretty general terms, opened the South Sea Company's scheme of a proposal for putting the National Debt in such a way of payment as might effect it in the shortest time possible: This he gave us to understand, would be 25 years; but Mr. Lechmere, in the subsequent part of the debate, eked it out to 26 years. After Mr. Aislaby had spent above an hour in his harangue, the secretary got up, congratulated him upon the clear and perfectly intelligible light he had put the matter in, and the nation on the prospect they had hereby of finding themselves out of debt sooner than was generally expected: concluding, that no other regular motion could be made, than that the chairman should report our having made some progress, and desiring leave to sit again: for that he took for granted, every gentleman's being ready and willing to receive a proposal from the South Sea Company, upon the foot of what had been so well opened. A profound silence ensued for a full quarter of an hour: every body expecting who would first rise; when the secretary getting up to make his motion in form, I

pany acted under the authority of an act of parliament; has any body ever heard, that a chancellor of the exchequer, or the lords of the treasury, or a lord high-treasurer, had power to controul or dispense with, or give directions contrary to an act of parliament?

"If any body had a power to controul them, we had, and we alone, I mean the whole parliament then sitting: The Exchequer bills were issued and lent by the Company, and the first and second subscriptions taken in, long before the House rose: We saw what they were doing, did we find fault with it? No, quite contrary: we approved of the two first subscriptions by another act of parliament, even in the same sessions; and is this honourable person now to be punished in a most severe manner for what the Directors did, by virtue of a law of our making, and confirmed by another law after those matters were over, if there was any breach of trust any where, it was certainly in us, who alone had the power of putting a stop to any pernicious practices of the Directors, whilst we ourselves were sitting.

"But, Sir, we were not to blame for not having obstructed what they did at that time, nor was the treasury to blame, or were the Directors themselves to blame, or guilty of any breach of trust on these accounts; the taking in subscriptions and the raising their stock, was lawful in itself, and absolutely necessary to execute the scheme, from which the public was to reap so great advantage: But the breach of trust, the pernicious practices from whence all these calamities have flowed, were the making use of the many millions of money that they had got, only to raise their stock to an imaginary height, by lending it out to gamesters and favourites, and even without any reasonable security at all. They who advised and encouraged these practices, have been the Directors in their own wrong, and to the manifest wrong of many thousands of families But upon this head this honourable person is not accused by any body whatever.

"The second accusation in this bill brought against him, is the charge of Corruption, which is grounded upon the resolution that declares Mr. Knight held 20,000*l.* South Sea Stock for this honourable person, whilst this bill was depending, without any money paid, or security given for the same. As for this article, I must own I am under great concern for the dignity of this House; it is certain that the zeal which has been shewn to do justice upon offenders, and to relieve unhappy sufferers, is very commendable; but whether that zeal has not carried us something too far in this matter, I confess I very much fear. It is not to be expected, that when this honourable person made his defence, what he said in his own justification could be perfectly understood, especially on this head, it being the result of several accounts, which very few people can carry along with them in a debate: I must own I was not capable of doing it, and I could not help being extremely surprised to find, when that matter came to be stated in the votes, that by those very resolutions upon which this honourable person was condemned, his innocence of this crime is as clear as it is possible to make it. This I believe every one, though ever so prejudiced, must be satisfied of, that takes but the pains of considering two or three of the resolutions together.

"By the first Resolution we declare, Mr. Knight bought in December 1719, 22,000*l.* South Sea Stock for this honourable person, who paid him, as appears by the same account, 27,800*l.* for it.

"By the third Resolution we declare, Mr. Knight, in February 1719, by the hand of Surman, and the broker, sold 20,000*l.* of the same South Sea Stock at 130*l.* per cent for the use and benefit of Mr Aislabie; so that then Mr Knight had 26,000*l.* of Mr. Aislabie's money in his hands, and likewise the remaining 2,000*l.* South Sea Stock, mentioned in the first resolution, which at 175, the then market-price, was worth 3,500*l.* both sums together making 29,500*l.* which sum was certainly a sufficient security for the 35,000*l.* paid by Mr Knight on the 4th of March following, for the 20,000*l.* South Sea Stock, remaining in his hands, till the honourable person paid him the rest of the money, about 6,000*l.*

"There could not possibly be any accident by fall of the stock, that could render this a bad security. But it is very well known, that this was not all that the honourable person proved, Mr. Knight had in his hands, at the time he paid for this 20,000*l.* South Sea Stock. Mr. Surman proved at the bar of the House, that Mr Knight had 10,000*l.* East India Stock belonging to the honourable person at that time, which Weymondsold proved he bought for him, 9,000*l.* of which Mr. Surman sold on the 9th of March for 18,900*l.* the whole at that time, being worth 21,000*l.* But, Sir, I have for my information stated all these matters together in a regular manner, and I will beg leave to read it to you, gentlemen, that if I am mistaken in any point, I may be set right.

The State of Mr. Aislabie's Account with Mr. Knight, upon the Votes of the House of Commons, and Mr Surman's Evidence given at the bar, March 8, 1720.

	Robert Knight	Dr. £.	s.
1719			
Decemb.	To cash, paid him in bank notes - - -	27,800	0
Feb 12.	To 20,000*l* South Sea stock sold by Wymondsold at 130 -	26,000	0
	To 2,000*l* South Sea stock remaining in his hands at 175 -	3,500	0
Mar 9.	To 9,000*l* East India stock sold by Surman and Wymondsold, at 210	18,900	0

		£.	s.
	To 1,000*l.* East India stock remaining in his hands at 210 - -	2,100	0
		78,300	0
	Cr.		
1719		£.	s.
Decemb.	By 23 000*l.* South Sea stock bought by Strode at several prices -	27,600	0
Mar. 4.	By 20,000*l* South Sea stock bought by Weymondsold at several prices - - - - -	35,357	10
	By balance due to J. A.	15,142	10
		78,300	0

" By this Account it appears, Sir, as plain as figures can make it, that Mr Knight paid for this stock with this gentleman's money, and had at that time, or in a few days after, a balance over and above 10 his hands, due to the hon. person, above 15,000*l.*

" But, Sir, there is still another evidence upon our votes, which is stronger, if possible, than this, and which convinced me more that this stock was bought with this gentleman's own money; and that he alone was to run all the hazard relating to it, than any living evidence whatever that could be given about it: I mean the letter by which the hon. person ordered Mr. Weymondsold to buy this stock for him; which order is mentioned in our fourth resolution, and the letter itself is upon your table. This letter was undoubtedly writ before this inquiry could be thought of; this letter was writ by a great officer to a common broker. At that time, certainly there could be no occasion of any art or management betwixt these two persons on this account. If any thing can give us the clearest light into this transaction, it must be this letter: Give me leave to read it.

'Sir; I received yours, and did not write to 'Mr. Knight as you fancied, but left it all to 'you; if you can make it up 20,000*l.* I would 'stop there, since it has risen upon us so fast. 'I am yours, J. A. March 1, 1719. P. S. 'I will desire Mr. Knight to pay you the 'money.'

" By this evidence produced by the Secret Committee against the hon person, it plainly appears to be his stock; and by this letter he is laid under an obligation to accept and pay for it, whether it had risen or fallen; and this is law, and this is practice. In the next place, it proves it to be the gentleman's own money, and not the Company's; because he restrains the broker from buying more, because the stock rose so fast, which is not a reason to be given, if the Company had been to run the risque, and not the hon. gent but the contrary. But what is more convincing that it was not done in concert with Mr. Knight, is, that the hon. person says, He did not write to Knight, as he fancied, but left it all to Weymondsold.

" This, Sir, it is plain, that unless we approve what we voted, *new con.* in our first resolution, and what we voted in the third resolution, and unless we disprove this letter just mentioned, and unless Mr. Surman were in the castle of Antwerp, it will be impossible for us to go about to make good this charge of corruption against the hon. person; but every account, every circumstance, every evidence we shall produce against him, will be very strongly for him.

" Therefore, I hope, gentleman will consider what they are going to do. I am satisfied, in the present temper people are, every step we shall take towards the relief of the unhappy sufferers, will be applauded by thousands and ten thousands; but in a little time the fury will certainly abate, when we have done all we can for them, and, perhaps, that all not satisfy many.

" It behoves us to carry our views forward, and to consider how we shall look our country in the face if we cannot justify our actions, when they shall come to be considered calmly. And who, indeed, will be able to justify the destroying a gentleman's reputation, and tearing his estate from him, and putting him under the most cruel torture, the severest penalties and incapacities, not only without evidence of the crimes laid to his charge, but contrary to the strongest evidence of his innocence.

" Are we to take away a man's reputation and estate for a breach of trust in matters that were not in any manner committed to his care; for confederating with people who all deny they ever communicated their counsels or measures to him in any of their unwarrantable practices? For corruption, when by our own state of the case there is no appearance of corruption in that transaction, but quite the contrary?

" This would not be punishment, but cruelty; it would not be restitution, but, in my opinion, downright robbery. This would be an act of violence and tyranny unheard of in any British parliament. And as the thing itself is unheard-of and unprecedented, so is the manner of coming at it. Whoever heard of a bill of attainder (enacting all the punishments that can be inflicted except loss of life and limb) tacked to another bill? Neither is it a single tack, but a chain of bills linked together, of the condemned and accused, of the dead and the living: but I will confine myself to this person whose case is now in question; and pray let us see how that case stands.

" First, a bill is ordered to be brought in against that hon person, to prevent him from going out of the kingdom and alienating his estate, that both his person and his fortune may be liable to parliamentary justice, if he should be found guilty of the crimes laid to his charge. This bill is read twice, and then ordered to be committed: upon the motion for commitment, some gentlemen were apprehensive, that this

bill, singly by itself, may chance not to pass the House of Lords: to prevent any such accident, the Committee is directed to consolidate this bill (which as I have already said, is a bill in order to bring a man to trial) with a bill to punish thirty-five persons already convicted of great offences, by two several acts of parliament.

"Is this all? No. As some gentlemen were jealous that the Lords would not pass this bill singly, which was to make the hon. person to discover his estate; other gentlemen were as doubtful whether matters might not take such a turn, and circumstances be so much altered, that in another session the Lords might be as unwilling to take his estate away when discovered; and therefore as nothing is like the present time for doing of business, and all delays are dangerous in things of this nature, by another instruction to the said Committee, the hon. person's estate is to be confiscated; and lest it should meet with great difficulties elsewhere, as has been already observed, this punishment is to be tacked to the former punishment, which was before tacked to the bill against the directors

"Any body would imagine that here certainly would be an end; but, no. Why, what can be done next? What, is he to be hanged? Indeed hanging would have been a very safe way of working, and would have effectually prevented this gentleman, who is known to have some talents, from making use of them at any time hereafter against those, who he may imagine have dealt very hardly by him; but something else is proposed that answers just the same purpose, and that is, a disability in the hon. person from receiving any favour from the crown, and from sitting or voting in either House of Parliament. This severe, this dangerous punishment, for the reasons above-mentioned, is likewise tacked to the last mentioned punishment, which was tacked to a former punishment, and so on.

"Was any thing like this ever heard of in any age before? was ever any Englishman used in such a manner? a gentleman is locked up in a prison, at a great distance from his friends, at a great distance from the knowledge of what passes in this House, comparatively to what it would be if he had his liberty. and here are we taking away his reputation, taking away his estate, putting him under cruel and ignominious incapacities, not by the summary way of a bill, but by a new invented and more summary way, by a clause incorporated into another bill in a Committee.

"Is this our boasted liberty? is this our happy constitution, that is such a barrier to our lives and properties?—No, Sir, this is not the constitution of parliament; this is what our ancestors never heard of: the several forms that all bills ought to pass through, have been wisely provided, to give time and opportunity for application on one side, and consideration on the other; and without these forms, a man may be burned out of his life, his liberty, or his estate, in as tyrannical a manner as under the government of Peter Alexowitz.

"When leave is given to offer a clause, nobody can tell exactly what that clause will be, till it is in the Committee: and before the person that is to suffer by it can be fully apprized of it, the clause is passed, and there is no opportunity of opposing it, but upon the report, or at the third reading; and every body knows how difficult the one is, and how vain the other: all the unfortunate person's friends can do, is only, like Job's messengers, to acquaint him from time to time with some fresh calamity that has befallen him.

"Sir, I freely declare, I value our constitution above all things on earth; and, I think, those rebels that fought at Dunblain and Preston to destroy it, and who, by setting a popish bigotted tyrant upon the throne, would have deprived us of our religion and liberties, as well as our estates, greater criminals than those who used indirect arts last summer to get our money from us: nay, I think them greater criminals than even those guardians of orphans and infants who flung their wards into the stocks, when they themselves sold out at excessive high prices; and by leaving those unhappy wretches in that gulph of perdition, made a golden bridge for themselves to escape upon. Obliging these hypocrites to make restitution to those most unhappy sufferers, would be a piece of the highest justice, both to the right of God and man. But my just concern for those miserable creatures has carried me a little from my subject.

"When I say, Sir, that I value our constitution so highly, it is because of its being so strong a fortress against all the sudden eruptions of arbitrary power in every shape: it consists in this, that no man can suffer loss of life, or limb, or reputation, or liberty, or estate, but upon a fair trial, and by the judgment of his peers in all common cases; and in the most extraordinary cases, where the legislature interposes, the trial is to be by a bill; in such a case, leave must be first given to bring in that bill; then it must be read a first, and then a second time, afterwards committed, then reported, and read a third time; after which, it goes through all the same forms in the House of Lords, where a man has all the same opportunities of making his defence, and their lordships have as free a liberty of judging, as the Commons had before.

"In the last place, it comes to the royal assent, and there is room for application for mercy, and the bill may be, after all, rejected.

"But, Sir, if instead of all these checks upon the sudden resolutions of the judges, and all these opportunities of defence of the person accused, a man may be destroyed at once, by a clause offered in a Committee, and tacked to a money bill, or any other bill of a more popular kind, which the whole nation may expect should pass, and consequently both the Lords and that crown be deprived of their free

judgment; and by that means be struck out of the legislature, I do not see how our constitution can be more effectually subverted. This would be tearing up parliaments by the roots, and destroying, at one blow, all that our ancestors and we have been so long struggling to preserve. An act of this nature would be a greater iniquity than any of the directors did or could commit, and would obliterate their offences, by conveying down to posterity greater crimes than they were ever guilty of.

"I hope, Sir, we shall not do them such a service at our own expence, and therefore I am for leaving the hon. person out of this bill, and for going on against him, as we at first set out, in a just fair parliamentary way, to the end, that if he has been guilty of any faults, he may be punished for them; but I am not for punishing him for other persons' faults, much less am I for punishing him in such a monstrous, an such a violent manner, as will declare to all the world, that we could not make good our charge against him, but yet were resolved to sacrifice him, and even the constitution itself with him."

Mr. Neville was answered by sir Joseph Jekyll, Mr. Spencer Cowper and Mr. Freeman, who insisted, that though the facts mentioned in the preamble could not be legally proved, yet the House being satisfied in their consciences of the truth of those facts, from the evidence that had appeared before them, the same was sufficient for that House. Sir Joseph having spoke with some vehemence upon that head, Mr. Neville made some smart reflections upon him: but though Mr. Robert Walpole and Mr Lechmere spoke likewise in behalf of Mr. Aislabie, yet were they not able to stem the tide which run so strong against him, that it was carried without dividing, to let the words in the preamble, relating to him, continue.

Debate in the Commons concerning the forfeited Estates of the South Sea Directors.] June 28. The House went through all the Schedules of the Estates of the late Sub-Governor, Deputy Governor, Directors, &c of the South-Sea Company, and agreed with the Committee, as to the allowances given them, (See p. 834) except Mr. Astell's, to whom they gave 10,000*l.* sir Lambert Blackwell, who had 10,000*l.* sir John Blunt, who got 5,000*l.* and Mr Hawes 5,000*l*. It was moved to reduce sir Theodore Janssen's allowance to 30,000*l* but upon a division, it was carried in the negative by a great majority.

Then a Clause was offered by colonel Earle to be added to the Bill, in favour of Mr Aislabie, viz for excepting from the forfeiture, his country house, gardens, and park, as also his lady's jewels and household goods; which was brought up and read, and a debate arising thereupon, the same was adjourned to the next day; when it was agreed to without any division.

This being over, the remainder of the sitting was spent in a debate of near three hours upon the question, Whether as the Bill stood, to vest the forfeited Estates in trustees, or to mulct the late Directors and others, at a certain sum? A clause for the Mulct was offered by Mr. Hutcheson, who proposed a million and half sterling, sir Thomas Cross moved for 1,400,000*l.* but not agreeing upon the sum, the debate was adjourned to the 3d of July.

July 3. The House resumed the adjourned debate upon the Clause offered to be added to the Sufferers' Bill, viz That the Estate of which the late Mr. Craggs, sen. was possessed in Oct. 1719, be vested in the hands of the trustees appointed by this Bill to dispose of the estates of the late Directors, which being strenuously opposed by the court party, was upon a division carried in the negative, by 104 voices against 90.

Then sir John Eyles, bart. proposed that a clause for vesting the estates of the forfeiting persons in themselves, and only laying a mulct upon them, might be read, which being done accordingly, sir Thomas Cross spoke to it, and suggested, "That it were more advantageous to the public, either to mulct the Directors, or to allow them 15 per cent. out of their estates for prompt payment," but this being warmly opposed by Mr. Jessup, Mr Miller, sir Nathaniel Gould, and lord Molesworth, the motion for reading the said clause a second time was rejected without a division.

The South Sea Sufferers' Bill passes the Commons.] July 6 The engrossed Sufferers' Bill was read a third time with a new title, viz. 'A Bill, for raising money upon the Estates of 'the late Sub-Governor, Deputy Governor, 'Directors, &c' which, with other amendments was passed and sent up to the Lords by Mr. Clayton. It is observable, that after the third reading over the whole Bill, which took up above two hours, Mr. Milner proposed a rider to be added to it, importing, That the houshold goods, plate, linen, &c of the Directors, might be excepted out of the Bill; but this motion was rejected with disdain.

The King's Message relating to the Civil List Debts.] July 11. Mr. Methuen acquainted the Commons, that he had a Message signed by his majesty, which was read by Mr. Speaker as follows:

"G. R.

"His majesty finds it necessary to acquaint his loyal House of Commons with the difficulties he labours under, by reason of Debts contracted in his civil government, which being computed to Lady-day last, do amount to more than 550,000*l.*

"If the provision, made by an act of the last session of parliament, for discharging the Debt, had not hitherto proved in a very great degree ineffectual, his majesty had not been under a necessity of applying again to parliament upon this occasion; but being resolved to cause a retrenchment to be made of his Civil List expences for the future, and finding that

such a retrenchment cannot well be affected, without discharging the present arrears, has ordered the Accounts thereof to be laid before the House, and hopes he may be impowered to raise ready money for that purpose, on the Civil List revenues, which, to avoid the having any new burdens on his people, his majesty proposes shall be replaced to the Civil List, and reimbursed, by a deduction to be made out of the Salaries and Wages of all offices, and the pensions, and other payments, from the crown."

Debate in the Commons thereon.] After the reading of this Message,

Mr. *Shippen* stood up, and took notice of this new and unusual method of asking for money, not from the throne, and, at the beginning of a session, as it had always been the custom in former reigns but now, by a message, towards the end of the session, when most of the members were gone home: look round about the House, gentlemen, said he, and see how few members are present, when a business of this consequence is to be debated But besides the unseasonableness of the time, Mr. Shippen observed, That this Message was no less extraordinary as to another circumstance, for whereas the Ways and Means of raising supplies were always left to the Commons, here not only the sum, but the way of raising it, was pointed out to them, which was making the House a perfect parliament of Paris That if things were brought to that pass, it might be easy for any king, whenever he thought fit, to make himself arbitrary, and absolute master of our liberties and properties: concluding, he was sure, that the gentleman, who had advised the asking for such a sum, in that manner, (meaning Mr Robert Walpole) would have been of a quite contrary mind four years ago, but that it was usual for men's judgments to alter as their interests lead them.—But Mr. Shippen not being seconded, it was resolved to take the King's Message into consideration the next day, in a committee of the whole House

July 12 The Commons, in a grand Committee, took the said Account and Message into consideration; and Mr Shippen having spoke much to the same purpose, as he did the day before, was answered by

Mr. *Robert Walpole*, who shewed the occasion, and reasonableness of the king's Message, the tenderness and regard his majesty expressed in it for the ease of his subjects, and the necessity of complying with his majesty's gracious desires and intentions. He was seconded by

Mr. *Lowndes*, who said, That six pence in the pound on all the Civil List Funds, would answer the purpose; but Mr. Pulteney, and sir Joseph Jekyll, were of opinion that it would not do, and therefore they moved for nine shilling in the pound; adding, That if this were too much for the present occasion, the overplus might go towards the discharge of the Public Debt.

Mr. *Sloper*, upon this last consideration, moved for one shilling and six-pence in the pound, and that the tax ought extend to all military officers, whose pay was above ten shillings a day.

This being opposed by Mr. R Walpole, Mr. Sloper answered him, and Mr. Lowndes replied to Mr Sloper, whose motion was backed by Mr Arthur Moore, and Mr. Heme. but Mr. Walpole, and Mr Lowndes, having again replied, Mr. Sloper's motion was dropt.

Then the question was put, whether one shilling, or six-pence in the pound be laid on all payments out of the Civil List, and it was carried for one shilling, by one voice only, viz. 111 votes against 110 After this the main question was put, That one shilling in the pound be given on all payments out of the Civil List; towards a fund for paying the interest of 500,000*l.* and for sinking part of the National Debts, which was carried by 153 voices against 63.

July 14 Mr. Farrer reported the Resolution of the said Committee Upon which Mr. Lowndes moved, That the House do not agree with the Committee in the said Resolution, and that the said tax be altered to sixpence in the pound Hereupon

Mr. *Hungerford* took notice, That this tax was inconsistent with the resolution taken this session for a land tax, importing, That three shillings in the pound, and no more, be laid on all lands, salaries, pensions, &c. That there was, indeed, an instance of such a tax in the late queen's reign when 500,000*l.* were raised much in the same manner, for the Civil List: but that this was then called Robinism, (the earl of Oxford's name, who was then prime minister, being Robert) and he feared this would bear the same name.

Mr. Treby answered Mr Hungerford, as Mr. Clayton did Mr. Treby, who was answered by Mr Henry Pelham, and the latter by lord Strathope Hereupon

Mr. Robert Walpole answered most of the objections that had been offered on the opposing side. But

Mr. *Pulteney* observed, That he had not always been of the opinion he now seemed to be of; that his mind altered as he was in or out of place; and as he might be out in a twelve-month's time, so he might then be of another opinion. To this

Mr. *R. Walpole* replied, That it was possible, indeed, he might be out again, but whenever that happened, he should be glad to resign to a person of so much merit as Mr. Pulteney. The latter returned the compliment, after which, sir Joseph Jekyll spoke for the motion of one shilling in the pound; but the question being put thereupon, it was carried in the negative, by a majority of 132 voices against 83.

And then it was resolved, without dividing, That his majesty be enabled to raise any sum not exceeding 500,000*l.* to discharge the arrears and debts upon the Civil List, by causing a deduction not exceeding sixpence in the pound, to be made out of salaries, wages,

pensions or other payments from the crown. And a Bill was ordered to be brought in accordingly; which Bill was passed on the 21st and sent up to the Lords.

Debate in the Lords on the South Sea Sufferers Relief Bill.] July 10. A Bill from the Commons, 'For raising money upon the 'Estates of the late Sub-Governor, Deputy-'Governor, and Directors of the South Sea 'Company,' was read a first time and ordered a second reading; after which a Petition of John Aislabie, esq. was presented to the House, praying to be heard by his counsel; but the receiving of it was vehemently opposed by the lord Townshend, who said, "He had done more mischief than any man in the nation." Some other lords spoke more favourably of Mr. Aislabie, particularly the earl of Sunderland, though not directly, and so the Petition was received, and ordered to lie on the table.

Then the earl of Clarendon presented two Petitions of sir John Fellows and Mr. Joye, upon which arose a debate on the question, Whether any Petitions from the Directors should be received? The earl of Sunderland suggested, that if they were all to be heard to every particular, they should sit till next year; but though the lords Trevor, North and Grey, and Bathurst, urged, That there was as much reason for receiving these Petitions as Mr Aislabie's, yet upon the question, they were both rejected without dividing. Then there was another Petition presented in behalf of the late Mr. Craggs's daughters, which, after a short debate, was received, and ordered to lie on the table.

A Conference between both Houses, relating to Mr. Aislabie and the late Mr. Craggs, sen.] July 12. The Lords sent a Message to the Commons, to desire a present Conference in the Painted Chamber, upon the subject matter of the 'Bill to raise Money upon the 'Estates of the late Directors,' &c. which being readily agreed to, and the managers on both sides met, the lord Carleton, from those of the Lords signified to those of the Commons, "That their lordships had commanded them to acquaint the House of Commons, that they had received the Bill before-mentioned from them, and found in it a charge against John Aislabie, esq. and the late James Craggs, sen. esq. and though they had read the Bill twice, yet their lordships could not find in it the Reasons that induced the Commons to insert their names in the said Bill, and therefore desired this Conference, to know the matters of fact upon which the said Bill was grounded, so far as the same related to Mr. Aislabie and Mr. Craggs."

Mr. Sloper having reported to the House of Commons the said Conference, they resolved, That such Members as were of the Committee of Secrecy, be appointed a Committee to state the Matters of Fact, on which those parts of the Bill for Relief of the South Sea Company were grounded, relating to Mr. Aislabie, and the late Mr. Craggs.

The Commons' Reasons for punishing Mr. Aislabie.] July 14. Mr Clayton, from the said Committee, delivered to the Lords at a Conference, the Commons' Reasons for inserting the name of Mr. Aislabie in the said Bill, as follows:

"Your Lordships having desired at a Conference, that the Commons would acquaint your Lordships with the Matters of Fact, upon which the Bill, intitled, 'An Act for raising 'Money upon the Estates of the late Sub-Go-'vernor, Deputy-Governor, Directors, Cashier, 'Deputy-Cashier, and Accomptant of the 'South Sea Company, and of John Aislabie, 'esq. and likewise of James Craggs, sen. esq. 'deceased, towards making good the great 'loss and damage sustained by the said Com-'pany, and for disabling such of the said 'Persons as are living to hold any office or place 'of trust under the crown, or to sit or vote 'in parliament for the future; and for other 'purposes in the said Act expressed, so far as 'the same relates to the said John Aislabie, 'and to the said James Craggs,' was grounded.

"The Commons have commanded us to acquaint your lordships, that the said Matters of Fact, so suggested in the said Bill, are relative to the Matter of Fact suggested in the former part of the preamble of the said Bill, and will be explained thereby; and for your lordships' farther satisfaction we are commanded by the Commons to acquaint your lordships, that the Bill, so far as it relates to the said John Aislabie, besides the notoriety of facts, was grounded, as well upon proof, as the confession of Mr. Aislabie.

"As to the confession of Mr. Aislabie, we are commanded by the Commons to affirm in their names to your lordships, that Mr. Aislabie did in his place confess, that upon the 3rd and 19th days of December, 1719, 22,000*l.* South Sea Stock was brought by Mr. Robert Knight, late cashier of the South Sea Company, for him the said Mr. Aislabie; and Mr. Aislabie delivered in to the Commons a paper of the hand writing of Mr. Knight, containing part of an account in the words following.

		£	s.
'Dec. 3, 1719.	To South Sea Stock bought 10,000 at 125 - - - - -	12,500	0
'—— 19,	ditto bought more, 12,000 at 126½ - - -	15,120	0
	To 1·8th per c. pd. S. Strode 22,000 -	27	10
	To ¼ part 217*l.* 10*s.* lost as above - -	108	15
'—— 24,	To cash paid back -	193	15
		£ 27,810	0
		£	
'Dec. 10.	Received in Bank Notes	12,300	
'—— 19.	Received more in full -	15,510	
		£ 27,810	

" We are also commanded to acquaint your lordships, that the Commons having received information, that Mr. Francis Hawes, one of the late Directors of the South-Sea Company, had negociated very large sums for Mr. Aislabie, and had had dealings for a considerable time past in South-Sea Stock with the said Mr. Aislabie, and that an Account thereof was kept in a book, of which Mr. Aislabie had a duplicate; which accounts were continued in that book until some time in November last: the Commons did, on the 7th day of March last, order that the said book should be laid before them the next morning; at the making of which order Mr. Aislabie was present in his place, and did not object or offer any thing to the House that the same could not be complied with. But the next day Mr. Aislabie attending in his place to make his defence to the several matters objected to him, an obedience to that order being required, Mr Aislabie declared, that Mr. Hawes, if called in, would tell the House, that Mr. Hawes, with his own hand, committed the said book to the fire; upon which Mr. Hawes being called in and examined, said, That the said book was, in the beginning of November last, upon Mr. Aislabie's pressing importances, delivered up by him to Mr. Aislabie; and that the same book, and also the said duplicate thereof, kept by Mr. Aislabie, were both then burnt together, part by Mr Aislabie, and part by himself, at Mr. Aislabie's instance, and that the proposal for burning them came from Mr. Aislabie; and Mr Hawes farther said, that he had not any duplicate or entry of what was contained in the said book.

" We are farther commanded to acquaint your lordships, that upon the 20th of January 1719-20, the Commons resolved, That their House would, upon the 22nd of that month, resolve itself into a Committee of the whole House, to consider of that part of his majesty's Speech which related to the Public Debts, which the House did accordingly; and that afterwards, on the 27th of January, the House again resolved itself into the said Committee, and the committee did then receive Proposals from the South-Sea Company for paying the Public Debts.

" As for proof, the several persons following, viz. Mr. Robert Surman, Mr. Francis Hawes, Mr. Matthew Weymonsold, Thomas Weddall, esq. sir Theodore Janssen, sir Lambert Blackwell, Mr. Webster, Mr Robert Knight, sir John Fellows, sir John Blunt, Mr. John Foulconbridge, Edmond Waller, esq Mr. Edward Gibbon, and Mr. Charles Joye were examined, and did, to the opinion of the Commons, make out the allegations in the said Bill relating to Mr. Aislabie."

As to the late Mr. Craggs, the managers of the Commons acquainted those of the Lords, "That the Commons had positive Evidence, that great quantities of South Sea Stock were taken in for him, without his paying for it, or giving sufficient security."

Further Proceedings of the Lords respecting Mr. Aislabie, &c.] Lord Carleton having reported this Conference to the House, the Lords ordered it to be taken into consideration the next day, which being done accordingly, their lordships, after some debate, made the following orders, viz. —1. "That John Aislabie, esq. be heard at the bar of the House on Tuesday next, if he thinks fit.—2. That the lieutenant of the Tower do bring Mr. Aislabie to the bar of the House on Tuesday.—3. That the Serjeant at Arms attending the House of Commons, do bring up sir John Blunt at the same time to be examined as a witness.—4. That a Message be sent to the Commons to desire they would give leave that any of the witnesses, that are members of that House, may be examined in behalf of Mr. Aislabie.—5. That the other witnesses that are not members of the House of Commons as also,—6. That Edmond Waller, esq. do then attend to be examined."

Then the Petitions of the Executors of the late Mr. Craggs being read, it was ordered, That the said Petitions be referred to the Committee upon that Bill, and that they be then severally heard by their counsel.

Then a Petition of Mr. Robert Surman, late Deputy-Cashier of the South-Sea Company, was read, and rejected: after which it was ordered, That an Address be presented to his majesty, praying, That the several Papers relating to the affair of Mr. Aislabie, may be laid before the House.

July 18. The Lords went into a Committee upon the Directors Bill, and great debates arose in relation to Mr. Aislabie, how, and in what manner he and his witnesses should be examined?

The Lord *Harcourt* moved, That according to the established rules of justice and equity, every one of them might be examined distinctly to every article: but this was warmly opposed by

Lord *Townshend*, who alledged, That such a method would take up so much time, that it might endanger the loss of the bill, which was of the greatest importance, not only to the kingdom, but to the king himself; for if the bill should miscarry, no man could tell what might be the consequence. This was supported by

The Earl of *Sunderland*, who likewise urged the necessity of passing this bill, to quiet the minds of the people.

Then Mr. Aislabie was called in, and, at his desire, Mr. Weddal, Mr. Surman, sir Lambert Blackwell, sir John Blunt, sir Theodore Janssen, Mr. Faulconbridge, Mr. Joye, and Mr. Hawes were severally called in, examined, and confronted with him. Sir John Fellows declared he knew nothing of the questions that were put to him by Mr. Aislabie; and sir John Blunt being asked who was the contriver of the South-Sea Scheme? Answered, it was none of his contriving, but the House of Commons: but sir Theodore Janssen being examined about the same matter, said, "That he always took

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or John Blunt to be the contriver, as certainly he was the chief manager of the South-Sea Scheme; and that, for his own part, he never was let into the secret of that affair.' Mr. Hawes being examined as to the burning of the Books of Accounts, ingeniously owned the fact; but said they were only books of private accounts between Mr. Aislabie and himself; and which no wise concerned the public, or any other private person, besides them two.

Upon which, Mr. Aislabie said, He thought there was no hurt in burning accounts that were made up and cancelled, and in which no body had any concern, but Mr. Hawes and himself.

The e Examinations being over,

Lord *Onslow* stood up and asked, Whether, in the opinion of their lordships, any mischief had happened to the public? And being answered by another lord, 'Yes, without doubt, a great deal:' but, added lord Onslow, it seems nobody has done it; sir John Blunt is innocent, sir John Fellows knows nothing of the matter, none of the Directors were let into the secret, Mr. Aislabie has done no hurt: therefore, my lords, I move to adjourn, which was done accordingly.

July 19. The Lords went again into a committee upon that part of the Directors Bill relating to Mr Aislabie; and

The Lord *Trevor* said, "That from any evidence that had yet appeared before them, he could not see that there was sufficient ground to insert Mr. Aislabie's name in the Bill, and to involve him in the same punishment with the Directors; and therefore, before they proceeded farther, he thought it necessary to send to the Secret Committee, to lay before them their whole evidence.'

This motion was seconded by lord Harcourt; but the same, if carried, being like to embroil both Houses in dangerous disputes, the lord Falmouth moved for adjourning during pleasure, which was agreed to. After a short adjournment, their lordships agreed to call in and examine Mr. Surman and Mr. Weymonsold, the former of whom deposed, and the other confirmed, that Mr. Aislabie had South-Sea Stock transferred to him several times, to the value of above 30,000*l* for which they knew not that he ever paid any thing. Then

MR AISLABIE'S DEFENCE AT THE BAR OF THE HOUSE OF LORDS] Mr. Aislabie was called in, and ordered to make his Defence, which he did in the following Speech;

"My Lords·

"I appear at your lordships bar, by your permission, to be heard, in my own person, against that part of the Bill now depending before your lordships, which affects myself. I have been long confined, by order of the House of Commons, under whose displeasure I am unhappily fallen, for want, perhaps, of proper talents to explain and support my own innocence; for which reason, I wish your lordships would have indulged me so far, to have heard me by my counsel in the usual manner, in a cause where my property, my liberty, and, for ought I know, my life, may be concerned.

"I must own, my lords, I come very ill prepared to make my Defence against such parts of this long and perplexed Bill as seem to relate to me: it hath received so many alterations in the tedious passage it made through the other House, that it was impossible to learn how far I was affected by it, till it was past; and it hath made so quick a progress in this House, that I have scarce been able to get a copy of it, before I am brought before your lordships to make my Defence against it.

"It was some surprize to me, my lords, after what had passed in the House of Commons, and after a Bill had been ordered, and was brought in, to make me discover my effects, and to restrain me from going out of the kingdom; I say it was some surprize to me to find myself translated all on a sudden into this Bill against the Directors, under the new-fashioned term of Consolidation, without any new offence given, or cause assigned, that is fit to be mentioned in this place. However, my lords, I now find myself tacked to them and their unhappy fate.

"My lords, it concerns me much to know the cause of this extraordinary proceeding, the reasons of these cruel and new-invented punishments, and the facts that are to make out the crimes alledged against me in the preamble of this Bill. I have carefully perused and examined it, and enquired into all the steps it has taken since I was heard in my place in the House of Commons against a charge contained in the Report of the Secret Committee, and I find nothing but what is new and extraordinary throughout the whole. I was heard, my lords, I say, upon the Report of the Secret Committee, containing many loose and uncertain facts as to me, and, as it seems, innocent, or ineffectual to any one besides. I thought I had given entire satisfaction to that assembly of my innocence, when I found it was the pleasure of the House that I should withdraw before any question was moved, or stated upon paper, as is usual; it was impossible therefore to know my crimes, or the facts upon which they were grounded, so as to be able to make a proper Defence there before I withdrew, though I had been very well prepared to do it, as I think I was.

"But, my lords, as this never happened to any Commoner before; so, my lords, in the warrant by which I was committed to the Tower, I find no cause assigned for my commitment, as has always been practised in the like cases.

"Thus far, my lords, I was at a loss even for my crimes; but the next day the votes of the House of Commons presented me with a view of many extraordinary crimes contained in several resolutions: crimes which my soul abhors, and of which, my lords, I do in this place, and at this Bar, declare I am entirely innocent. I saw in the same votes an order for a Bill to be brought in, to enquire into my estate, &c. I

I perceived that Bill to make a slow progress for some time, till from some fresh displeasure conceived against me, it changed its shape at once, and became a Bill of punishment, and not of enquiry, or at least of inquiry as in cases of felons convict, though I had never had any trial. This way of dealing with an English subject, is unknown to the laws of England; I say, my lords, first to punish, and then inquire, the law abhors.

"However, my lords, I thought myself sure of the eleven Resolutions contained in the Votes of the House of Commons, as the ground of the charge against me; Resolutions that have been sent abroad, and have made me the object of public odium throughout the kingdom. I had prepared myself to answer to this charge upon every Article. But here, my lords, I found myself again disappointed; and these very Articles for which I had been branded, expelled, and committed to the Tower for so many months, disappeared at once, and were (if fame be not a liar) rejected by one of the very persons that moved them, as so many loopholes through which an innocent man might escape.

"So here, my lords, I am at a loss again; the punishments are enacted, the most cruel torturing punishments, before any charge is made, or any facts alledged, and at last it is sent up to your lordships with a charge of crimes, without any facts at all to support that charge. Give me leave, my lords, to say, that this, above all the other extraordinary steps, is most new and unprecedented. An attainder, like this, without any legal charge in it, tacked to another Bill that must pass, is a complicated mischief: an attainder of itself is uncommon, and generally abhorred: an attainder tacked is entirely new and unparliamentary: an attainder without facts ascertained, is not only new and dangerous, but against the very principles of justice, and the laws of the land in all cases. For this reason, my lords, I have humbly represented to you the difficulties I lie under in respect to my defence, from the uncertainty of my charge, for want of facts stated to support it, and without which it is properly no charge at all.

"Your lordships have thought fit to desire, at a Conference with the Commons, to have this defect supplied; and they have accordingly delivered to your lordships a paper, a copy where of you have been pleased to give me, in order to my Defence, which I therefore take leave to read to your lordships. [Here he read the Reasons delivered by Mr. Clayton to the Lords at the Conference. See p. 860.] My lords, upon perusal of this Paper, I find only two facts mentioned, which, if proved, are no crimes, and of no relation to the preamble of the Bill. For as in the preamble there were crimes alledged without facts, so in this Paper there are facts without crimes: your lordships upon this extraordinary occasion desired this Conference with the Commons, in order to be informed of the facts that were the ground of their charge. They have been pleased to refer your lordships to that part of the preamble relating to the Directors, by which they say the charge against me is to be explained. I have examined this part of the preamble, and am entirely at a loss to find one fact stated in it; the whole is general and most uncertain, and amounts to no charge at all that part of the preamble relating to me, is so far from being explained by it, that it is made more perplexed and unintelligible.

"My lords, it is a strange circumstance that attends my case. I stand here accused, and ready to make my Defence before your lordships my judges. Your lordships are at a loss to know upon what facts to try me; you have enquired of the Commons my accusers, and are no better informed; but on my part, my lords, it is yet more extraordinary; the accused is put under a necessity to find out facts to support the charge of his accusers. Was any proceeding like this ever known before? No, my lords, the Bill of Attainder against my lord Strafford was extorted from the legislature by force and violence, and, in some respect, like this, under colour of appeasing the deluded people. Vain imagination! This concession of your ancestors made way for all the miseries that followed. But cruel and unjust as it was, there were facts stated in that Bill to charge that noble lord, and his accusers came like men to this Bar to make them good; but where are my accusers, my lords? Where are their facts? And where is their evidence? Was there ever any accusation that proceeded from a Secret Committee before, that was not made good at this Bar by those who are supposed to know the facts best, and who have obliged the public with their discoveries? Why do they decline to give your lordships and the public this satisfaction? My lords, I find, to save this trouble, they refer you to the notoriety of the facts. A strange notoriety of facts, that are not yet revealed, and to which there is no evidence! Was this expression ever used before at any Conference? In any act of parliament? Or did it ever approach this Bar before? Pray, my lords, what does it mean? If it means common fame or public clamour, thanks to the arts of my enemies, I have had my full share, and felt the cruel effects of it: but if fame is to be a guide in judicial proceedings, and in criminal cases, there is no head safe; we are all in the power of whisperers and defamers. But has public fame ever been thought sufficient to conviction? No, my lords, public fame has been said to be a ground of inquiry, but never of condemnation. The Commons, in the case of the duke of Buckingham, Anno 1 Car. 1. did, at the instance of Dr. Turner*, declare, that common fame was a good ground of enquiry or presentment; but as this was complained of by the crown as an unparliamentary proceeding, the Commons, in their remonstrance a little time after, receded from this pretence, and affirmed their proceedings to be grounded upon their own knowledge,

* See vol. 2. p. 49.

or proof, by the examination of witnesses, or other evidence, and in every Article of their accusation the particular facts are expressed. But this is not my case, my lords; I see no facts charged upon me, I hear of none; it is in vain to make a Defence against nothing; 'tis fighting with the air.

"But since, my lords, the Commons have recommended some witnesses to your lordships, who, they say, did, in their opinion, make out the allegations in the Bill; pray let me examine what the allegations in the bill are, and how they were made out by the witnesses, who have been examined before your lordships.

"My lords, in that part of the preamble of the bill which charges me, it is alledged, 'that John Aislabie, esq. late chancellor and under-treasurer of the exchequer, and one of the commissioners of his majesty's treasury, and a member of the House of Commons, in breach of the great trust in him reposed, and with a view to his own exorbitant profit, has combined with the said directors of the South-Sea Company in their pernicious practices, and has been guilty of most dangerous and infamous corruptions, to the detriment of great numbers of his majesty's subjects, and manifest prejudice of the public credit, and of the trade of this kingdom.'

"My Lords, in considering this Charge I am at a loss to find in what capacity I am accused of Breach of Trust. The title of 'Chancellor of the Exchequer' stands there, I suppose, *ornamenti gratia*; it is an office of great honour and dignity, but has no relation to this affair, or to the execution of the South-Sea Scheme; nor is that officer so much as mentioned in any act of parliament since the first constitution of the Company; it is a distinct office from the treasury, and in some instances without much influence, though joined in commission with that board.—I must then stand accused as one of the commissioners of the treasury, or as a member of parliament, or both.—I flatter myself, my lords, that I have acquitted myself in these two capacities with the same integrity and good faith as the rest of my brethren; nor can I understand how I could commit any one act in Breach of my Trust, as one of the commissioners of the treasury, without the participation of at least two of tha same board.

"I have perused the acts of parliament relating to the execution of the South-Sea Scheme, and desire they may be read, that it may be seen how far the treasury were concerned, or were intrusted with any part of the execution of the Scheme, that we may know wherein this trust consisted, and so have recourse to such facts as may charge me and others with a breach of it. My lords, I know of nothing that concerns the treasury in those acts, but what relates to the making forth and issuing the Exchequer-Bills to be lent to the Company, besides the constitution of commissioners relating to the taking in of the Public Debts, which commission your lordships have aftirmed. and as to those bills, my lords, no man has accused me, not sir John Blunt himself; he tells you upon his examination here, as he told the other House before, that he took it to be the sense of the House of Commons, that the Company might lend out the Exchequer-Bills upon their stock, having been admitted to hear the debates of the House upon that occasion, and that they were therefore to lent out.

"My Lords, there is not one word more in all those acts of parliament that implies any farther trust, nor is there any power given or reserved to the commissioners of the treasury, to direct or controul the directors, but what has been literally pursued by the treasury. Where then is this breach of trust in me, as one of the commissioners of the treasury? Is there any trust reposed in me in any capacity that makes me responsible to the South-Sea Company? If not, how comes the chancellor of the exchequer, and one single commissioner of the treasury, to be confiscated for the use of some of his fellow-subjects for breach of trust?—If then the breach of trust is no where to be found, let us examine next, wherein I have combined with the late directors in their pernicious practices. By the reference the Commons make to the matters of fact suggested in the former part of the preamble of the bill relating to the directors, one might expect to find these practices set forth there, in order to make out the charge of which they stand accused.

"My Lords, I have looked into this part of the preamble relating to them, and find it is only said, that they, tha directors, under colour of the late act, have carried on many notorious, fraudulent, indirect practices, contrary to the intention of the said late act, not only to the immense loss of the Company, to seven millions and upwards, but the great detriment of the public, &c. But the particulars of these practices are no where specified I have heard, indeed, they once stood part of this bill, but were afterwards left out as so many incumbrances upon it; and if I may be allowed to take notice of what the Commons upon deliberations have suppress, I would acquaint your lordships, that that part of the preamble of the bill which relates to the pernicious practices of the late directors, as tending to the immense loss of the Company, to seven millions and upwards, was comprized in these words, viz.

'That the directors have been guilty of several corruptions, breaches of trust, frauds, and abuses, by contriving the fictitious stock of 574,500*l.* stock, and entering it in their books, to be sold for 1,212,575*l.*

'That they also lent upon stock, or pretended stock, contrary to the resolutions of the court of directors, several sums amounting to 943,631*l.* over and above the 500,000*l.* to which the loans were restrained; and more, 406,903*l.* over and above the sums limited to be lent; and more, several sums beyond what they were limited, which excesses amount in the whole to 8,26,607*l.*

'That they also lent upon subscription-receipts 2,219,080*l.* without authority from the Company, which loans, or pretended loans, upon the stocks and subscriptions, amount in the whole to 5,965,556*l.*

	£.
Fictitious Stock - - - - - - -	1,213,575
Total on Stock and Subscriptions -	5,965,556
	£. 7,179,131'

"Here, my Lords, you have a plain account of all the directors' pernicious practices; let it now be enquired, what evidence has been given to your lordships, to make out my having combined with them in all, or any of those practices.

"As to the first Article in relation to their contriving the fictitious stock of 574,500*l.* and entering it in their books, to be sold 1,213,575*l.* there is not one word said by any of the directors, that I was privy to it, or that they ever heard, or suspected, or that there was even so much as a whispar amongst them, that I had, or was to have any part of it; and the Secret Committee themselves, after having, in the most extraordinary, as well as the most solemn manner, examined them all to this fact, were pleased to say, there was no such charge against me.

"As this was the fund for all the corruption, and the source of all our misfortunes, I think myself extremely happy, let my fate be what it will, that I stand clear and acquitted, in the judgment of my worst enemies, of this criminal and cursed transaction. And as this was a work of darkness, that has not yet been perfectly brought to light, and as it was in its nature such as carried the greatest secrecy and security with it; and as I am the person supposed to have been the author of the scheme, and the director of the directors, and one who commanded every thing, is it possible to imagine, that I should neglect to take my share of this mighty harvest, and trust to the secrecy of an infamous broker, and the hazard of an open market?

"But notwithstanding the Secret Committee, who spared no pains in their inquiries relating to me, have not thought fit to charge me upon this head, but have entirely acquitted me, I find some notice is taken of what Mr Surman has said concerning the Green Book, wherein he saw my name to an account that was balanced: whatever notice your lordships are pleased to take of that information, the gentlemen of the Secret Committee knew better than to insist upon it in their charge, since that account is said to be after the bill was past, and to be balanced; and, consequently, I must have it to produce, unless by some extraordinary accident, or artifice, I should have lost it. But as Mr. Surman has proved, that Knight kept my cash long before the scheme took place, and was indebted to me for a great sum in November 1719, so, my lords, I declare I am not concerned how those accounts are exposed, if they can possibly be brought to light; and as I have this account mentioned by Mr Surman, to produce, if your lordships require it, so I wish from the bottom of my soul, that the Green Book, so famous in story, may be produced, as perhaps it may, before it be buried in oblivion.

"The Directors, and others, examined, to the rest of the articles, making up the seven millions and upwards, do all declare, that I was not privy, or in any manner a party to their transactions, or in the least contributed to the loss sustained by the Company in an article of that account; as these proceedings were the chief, if not the only causes of the misfortunes of the Company and the public, I am still extremely at a loss to know what the pernicious practices were, that can make me an accomplice or confederate with the Directors.—The selling of their own stock, and buying it for the Company, could not, in its nature, be communicated to me, and has been denied by them all. The declaring the great dividends at 30 per cent. for Christmas, and not less than 50 per cent. for not less than 12 years after, was a transaction when I was in the North, and they all declare I knew nothing of it. The additions to the first and second subscriptions, and the deficiencies of the third and fourth subscriptions, are attested to be done without my privity or advice. And as to the taking in any of the subscriptions at what price soever, sir Theodore Janssen, and others, have told your lordships, they were done at the instance of sir John Blunt solely, by starts and surprize, and agreed to the same day, without sending to, or advising with Mr. Aislabie, or any body else.

"Here, my lords, you have all the facts and pernicious practices with which the directors are charged, either by the Resolutions of the Lords or Commons; and here is not one witness that has been examined before your lordships, that hath not entirely acquitted me of any combination with them, in these, or any other of their pernicious practices. These are the contents of the general charge of the Commons against me, as far as I can collect them, and which have required more pains to discover and put together, than it has done to answer them.

"I shall now proceed, my lords, to examine the only two facts which the Commons have thought fit to lay before your lordships, and delivered at the Conference.

"The first of these is said to be grounded upon my own confession in my place in the House of Commons, viz. That on the 3d and 19th of December 1719, 22,000*l.* South-Sea stock was bought by Mr. Robert Knight, late cashier of the South-Sea Company, for me; and, that I delivered in to the Commons a Paper of the hand writing of Mr Knight, containing part of an account, in the words following:

'Dec. 3.	£.	s.
'1719. To South-Sea stock bought		
[illegible] at 130 [illegible]	12,800	0

19. Bought more 12,000*l.* at 126¼	15,180	0
' To ½ per Cent. paid S. Strode for 22,000*l.*	27	10
' To ½ Part 217*l.* 10*s* lost as above	108	15
' 24. To Cash paid back	193	15
	27,310	0
' Dec. 10. Received in Bank Notes	12,300	0
' 19. Received more in full	15,510	0
	27,310	0

"My lords, I have the greatest honour and regard for the House of Commons imaginable, and shall always pay the greatest deference to every thing that proceeds from them; even their censure, and my misfortunes I bear with patience, and submission to their authority. And as I am sensible their displeasure was drawn upon me by unlucky incidents, and want of opportunity of understanding the truth of my case, so I doubt not but they will be pleased that I have this opportunity of defending my innocence, and clearing it from the mistakes and general prejudice under which I have been unhappily oppressed; nor can their honour be concerned, or that of the Secret Committee, if I am acquitted by your lordships of the crimes laid to my charge, if they appear to your lordships to be ill-grounded; I shall therefore take the liberty to say, I am extremely surprised to find the Commons make use of the word Confession upon this occasion. Confession, my lords, implies guilt, and is the declaration of some fact supposed to be criminal. But this is not my case, nor, with submission, is it the fact; this paper, my lords, this account proved by Mr. Surman, and allowed by the House of Commons to be an account of stock bought and paid for with my own money in the beginning of December 1719, was produced by me in the House of Commons in my own justification, to prove a valuable consideration in Mr. Knight's hands, and security given for 20,000*l.* South-Sea stock bought the beginning of March following, and paid for by Mr. Knight. This, with other effects of mine of great value, were proved to be in his hands at that time, more than sufficient to answer the value of the said 20,000*l.* stock bought, by my order by Mr. Weymonsold; whereof, if any doubt remain, I am ready to produce the most authentic Vouchers.

"This Paper produced as evidence by me against a charge of corruption, is now, by an unaccountable turn, made an article of corruption itself, or at least tending to support the charge in the preamble in some manner. I cannot very well guess what the Commons would infer from this account, or what it tends to, I suppose it is meant to shew, that it was done with a view to the scheme which afterwards took place, and to my own exorbitant gain, since they are pleased afterwards to subjoin this observation: That upon the 20th of January 1719, the Commons resolved, that their House would, upon the 22d of that month, resolve itself into a Committee of the whole House, to consider of that part of his majesty's speech which related to the public debts, which the House did accordingly; and that afterwards, on the 27th of January, the House again resolved itself into the said committee, and the Committee did then receive proposals from the South-Sea Company for paying the public debts.

"One would think that from this observation, which the Commons themselves have made, there needs no other proof, to shew that the stock bought in the beginning of December 1719, could not be bought with a view to the scheme, that was not accepted till two months after; and if it had been so, it would have been no more than every chancellor of the exchequer hath done at all times before me; nay, I may venture to affirm, it hath been looked upon as incumbent upon the chancellor of the exchequer, and all the other officers of the revenue, to encourage, by their examples, all public undertakings of this kind; and it must not be forgot, that at the first establishment of this very Company, the then chancellor of the exchequer, and several great officers of state, did condescend to be directors of this Company, which was never thought a crime, whether it was done with a view in their own interest or not.

"But, my lords, I will shew that this stock was not bought with any such view; and if it were, that it does not make good any one part of the charge in the bill; for as it was bought with my own money, it could not be a breach of trust in any manner, nor could it be a dangerous and infamous corruption, nor could it be in confederacy with the directors in their pernicious practices, which are described to have been committed by them under the colour of the late act, and therefore subsequent to it; nor was it bought with a view to my own exorbitant profit, since it was not only two months before the Commons accepted the proposals of the South Sea Company, but even before the scheme was so much as communicated to me, and, as I have proved to your lordships, was sold out again that very morning the South-Sea Company were resolved to outbid the Bank, and carry their point at all hazards.

"My lords, I have proved to your lordships, that at the same time that I bought this stock in the South-Sea Company, I bought very near the like value in the Bank, and continued it there after I had sold out of the South-Sea, which does not look like partiality to the South-Sea scheme. I have shewn your lordships, that immediately after the South-Sea proposals were accepted, I bought into the East-India Company, and not into the South-Sea Company, which is some proof that I had no great faith in their scheme, or built upon it with a view to my own profit. But to make it more evident that this scheme was not founded by me in that iniquity as is supposed, and that I had not those views that are laid to my charge, I have shewn your lordships, that I was not

the original author or promoter of this schema: I have proved by sir John Blunt, that he first presented this schema to my lord Stanhope, soon after his majesty's return from Hanover in 1719. That my lord Stanhope, some time after, communicated this scheme to me, and desired me to talk with sir John Blunt about it; and that accordingly, about the latter end of December, 1719, I desired Mr. Clayton to meet sir John Blunt and Mr Knight at my own house, to confer about it; which was the first time that I talked with sir John upon that subject.

"So that, my lords, it is most evident that the stock bought in the beginning of December, could not be bought with a view of gain from this scheme, as is suggested by the Commons in their paper, since the very scheme itself was not communicated to me until the latter end of December; and taking all the other circumstances along with it, that have been explained to your lordships, I am satisfied you must think, that the Commons could not have done me a greater service, than by stating this fact as the chief matter of their accusation, which hath given me this opportunity of clearing up some mistakes, and laying open some facts that were not known or understood before.

"Thus having cleared up this matter to your lordships, I shall proceed to answer the next and last article laid to my charge, as it was delivered by the Commons to your lordships, in which they give your lordships an account of a transaction in their House, relating to the cancelling some accounts between Mr Hawes and me. I do not find that the Commons made this a charge against me, in any of their Resolutions that might they committed me to the Tower; but as this story had the greatest effect to inflame and raise a prejudice against me in their House, so I doubt not but that it is laid before your lordships in this solemn manner, with an expectation that it should have the same effect in this House.

"My Lords, I know very well that many of my judges in the other House, who acquitted me of every part of the charge brought against me, could not get over this slight, this ridiculous incident. I must own, my lords, my conduct upon that occasion was not so calm and circumspect as my circumstances required. but it might have warmed a man of a much more even temper than myself, to see a most innocent action represented in such a suspicious light by the secret Committee, as to appear, in some measure, criminal: and besides this, my lords, the order mentioned at the Conference to have been made for me to produce these accounts, was introduced in such a manner, as might surprise and shock the most wary man alive; to be attacked, as I was, entering the House, and before I was got to my place, in a most unparliamentary method, and by an unprecedented motion, by one, who, of all man living, had the least right to make that demand, and who could furnish, if he pleased, from his own books of accompts, more matter of enquiry, than all other accomptants put together. I should not have mentioned this, but that I see that transaction taken notice of in the paper delivered to your lordships at the Conference.

"The use that hath been made of this story, has been to inflame and stir up the minds of men to believe that there were the greatest secrets, the most criminal matters, contained in these books; and that they were cancelled, or burnt, in order to destroy evidence. I own, my lords, when this matter was pressed upon me in the House of Commons, I treated it with neglect and indifference, as knowing my own innocence, and not dreaming of the criminal and false construction that was afterwards put upon it; But since it has been so universally understood to my prejudice, give me leave, my lords, in this place, to return my thanks again to my accusers, that they have given me an opportunity, before the supreme court of judicature of this kingdom, to clear up this matter, and to shew to the world, that there is nothing in this story, either criminal or suspicious.

"I thank my accusers, my lords, for giving me this opportunity of shewing the world, that there is a vast difference between an examination taken before your lordships, and an examination taken before the Secret Committee; for it may very probably happen, that they may be mistaken in what relates to me, since every part of their report hath been either rejected or dropt by the House of Commons, which related to any other man living.

"I perceive your lordships took the matter first into your consideration, as observing the Commons to lay the greatest stress upon it. You have examined Mr Hawes in the strictest manner, in relation to the nature of these accounts, and the manner of cancelling them. He has told your lordships, 'That there was 'nothing criminal contained in those accounts; 'That there was nothing in them relating to 'me as a chancellor of the exchequer, nor to 'him as a director of the South Sea company, 'or as a receiver of the customs, that there was 'nothing in them that could be construed a 'breach of trust; nothing that could be called 'a combination with the South Sea directors, 'or bad any relation to them; nothing that 'could be called corruption, or any thing like it.' He says, 'He bought some stock for me in December 1719, but that it was sold again in 'three or four days after, for very small profit. 'And lastly, he says, this stock was bought and 'paid for with my own money, and not with 'the public money, or the Company's money.' As to the manner of cancelling them, he says, 'It was done in October last, before the king's 'return, and long before the parliament met; 'that I had long since passed my public ac'counts, *viz.* in April 1720, that those accounts 'were passed at my pressing instances in half 'the time that any of my predecessors had 'passed theirs; that I had afterwards daily so'licited him to have those private accounts

'made up and delivered, but that his affairs 'would not permit him to do it till October 'last; That I had pressed him to deliver up 'these accounts, not only long before the stock 'fell, but before it rose; that these accounts 'were cancelled, after I had given him a dis-'charge, by mutual consent; and that he be-'lieves it was not done with a design to conceal 'them from this enquiry.'

"My lords, this is the Evidence of Mr. Hawes; and I do not wonder that your lordships were under some surprize, that a matter represented in so different a light, and with which my enemies have made so much noise and clamour, should, at last, come out as a fair and indifferent action, in which neither the public nor any private person was concerned, and to have been done without a design of concealing or covering any fraud whatsoever.

"There is something, my lords, I must observe to you upon this occasion, that makes me wonder how this transaction came to be so much insisted on, unless it was to inflame more than to convince; and that is, my lords, (as I humbly conceive) that in case these books had been in being, and there had been any thing criminal in them, or that might any way affect me to my prejudice, your lordships would not, as you are a court of justice, oblige me to produce them against myself; this is a fundamental maxim in law, and has never been broke through in the most violent and arbitrary times. And the House of Lords, in their enquiries in 1640, were so tender of this great principle of law and justice, that they made it a special instruction to their Committee, that the judges they had ordered to be examined, should not be examined upon any thing to accuse themselves And the Commons, during all the enormities of those times, never broke through this rule, till they came to decide all things by the sword: And therefore, my lords, if these accounts could not judicially be demanded of me, in case they were in being, and contained any thing criminal in them, there can certainly be no crime in my having disposed of them as I thought fit, especially if it be considered, that they were my own private books, no ways relating to me as a public accomptant, containing nothing in them criminal, or affecting the interest of any other person.

"I know, my lords, very well, that in the case of a deed destroyed, if a witness proves that there was in that deed any clause to the advantage of a third person, or to the prejudice of him that destroyed it, such clause shall be construed in the strongest manner against the person that destroyed the deed. But this, my lords, is not my case: here is no evidence produced to prove any thing criminal in these accounts, but on the contrary; so that in law and equity they would be taken as accounts subsisting in my favour, though unadvisedly cancelled. Mr. Hawes's testimony, relating to the accounts in these books, affords your lordships another instance, that may satisfy your lordships that I had no view to the South Sea scheme in my transactions contained in those books; since it appears by his evidence concerning the stock mentioned in them, that I parted with it before the scheme took place. But let that be as it will, can any man call it a criminal circumstance to commit the papers, after they were cancelled, to the fire? No my lords, it was a legal and an innocent action.

"Thus, my lords, I have gone through every part of the charge against me, either as it has been stated by the Commons, or fallen under the examination of your lordships; and I hope there is nothing omitted in my defence, that is necessary to prove my innocence to the satisfaction of all that hear me; but if the least doubt remain with your lordships, in relation to any one fact charged upon me, I beg I may have the opportunity, before I go from this bar, of clearing it up, which I do not doubt to do by the plainest proofs in the world.

"If therefore the charge of the Commons in the preamble of this bill cannot be supported in any part of it, by any one fact whatsoever, can your lordships ever be induced to consent to such parts of the bill as subject me to an arbitrary jurisdiction, and cruel and new invented punishments? My lords, the laws are our birthright, and the guide and measure of all our actions; but where is the law that I have broken? Or, indeed, where is the crime, or the fact that is supposed to be a crime, and which is to be punished by a law made *ex post facto*? A law, my lords, that dispenses with the very forms of judicature, and sets up a tribunal unheard of before in any free country?

"I believe, my lords, this bill is very little understood by most of the gentlemen of the House of Commons; and, perhaps, your lordships may think the penalties of this bill less severe, at least in respect to me, than they are, but your lordships will give me leave to explain that matter to you in such a manner, that you may better judge, whether I have committed any offence equal to such severe and ignominious punishments.

"My lords, as the bill now stands, all my personal estate, and great part of my real estate, which belonged to me on the 1st of June 1720, or at any time since, is vested in the trustees, to be sold and applied to the uses of this act; so that I am stript at once of every shilling but what is settled upon my family, and wherein I am but tenant for life. After this, my lords, I am obliged to give 100,000*l.* security by recognizance, with two other persons to be bound for me in 25,000*l.* a piece, that I shall not depart the kingdom before a certain time. This was not the case of the directors, but it is mine, that after my estate is taken from me, I am obliged to give security to the value of ten times more than I am worth Is there a friend in the world that can believe I am guilty of the least thing laid to my charge, that will be security for me in this situation? Or have I any counter security to give, but the little stock of credit and reputation that this bill cannot take away? But some

gentlemen think, and my enemies boast, that they have been very bountiful to me, and they have made me easy. If that be the case, my lords, what occasion is there to suspect I should fly from my country, my friends, and my estate? But if my case be otherwise, if I am worse used than any of the directors; if I am more branded and exposed than any other person in this bill; who will not be apt to judge, from what has passed, that the same spirit that has brought me to this, may be carried to greater extremity? Am I not by this bill put into the power of every villain, of this very broker here, whose evidence is his merit? Am I not obliged to live in the dread, and at the mercy of every informer like him? Others may think, and the directors perhaps may think life under these circumstances to be tolerable; but to me, my lords, there can be no comfort in it, but what my own innocence secures to me.

"There are some clauses in the bill that oblige me to give in inventories of my real and personal estate from such times, and in such a manner, as is impossible to be complied with; having never kept my accounts in such a method, as those that are bred up to trade and figures are used to do; and I believe very few gentlemen in the kingdom would, in their own cases, think this practicable. But if my accounts had been regularly kept, as I have no clerks or book-keepers to swear to them, so I do not know of what use it could be to produce them to these trustees, in case they are minded to dispute them; for though they are entitled only to the incrementum of my estate since the first of October 1718, yet as they are to be vested with the whole of my personal, and great part of my real estate; and as I am to deliver up all my writings, papers, and accounts to them, it is impossible to make out any claim before them in any manner whatsoever. And pray, my lords, observe the difficulties or absurdities of this case. Here is a court erected of nine persons, with absolute and unlimited powers; some of these gentlemen, perhaps, have been accusers, but all of them are to be judges and parties; my estate and my title is to be put into their hands, and then I am to claim what can never be made out, but by the very writings in their possession. Was ever such a jurisdiction established upon earth before, where laws were in use? No, my lords, the original cause of all laws, and of civil government, was to prevent men's judging for themselves, and to oblige them to submit all disputable matters to indifferent parties; This is in a particular manner the basis of all our laws, and it is the only pillar by which justice and equity can be supported.

"But, my lords, there is another circumstance, which, in the situation of my affairs, makes any claim impracticable; that is, my lords, the *onus probandi* lies, in a great measure, upon me, which, in regard to my personal estate, is impossible; unless my judges are willing to be guided by the circumstances of my affairs, and my own testimony.

"For instance, my lords, it appears to your lordships that there was an account between Mr Hawes and me for seven years past, wherein most of my effects were contained, and he says about 30,000*l.* South Sea stock was bought before the scheme took place, with my own money: It appears by the paper delivered at the Conference, that I bought by Mr. Knight, two months before the South Sea proposals took place, 22,000*l.* South Sea stock, and had several other effects in his hands; and Mr. Surman has proved that Mr. Knight told him, that he owed me a great sum of money long before this, having kept my cash for two or three years before, none of which can be supposed to be the increase of my estate since October 1718. How is it possible my lords, I can prove one word of it? As to Mr. Knight, it is not expected I should produce him; and as for Mr. Hawes, he says, those accounts are cancelled, and he has made no other entry of them. How is it possible, then, to prove any thing, especially to the satisfaction of my judges, who are also parties? For it must be to their satisfaction, and not otherwise, the bill says, that my proofs must be made. If they are not pleased to be satisfied, then, indeed, I may appeal to another court erected for this purpose, viz. to the judges in Westminster Hall, who will expect legal evidence to maintain an appeal, which, in my case, my lords, I have shewn, is not to be done.

"I cannot but take notice of one punishment more that seems to be oddly suited to that part of my accusation relating to the cancelling of my accounts with Mr Hawes: The Commons, for want of having that matter cleared up, as it has been before your lordships, have thought that transaction a great offence; and the punishment of that offence is, that I shall make up those very accounts, which my accusers say are destroyed, and which are no more in being; indeed I must own they have been so kind as to exempt me from all danger on this head for the future, by disabling me from having any more accounts to make up.

"Since I have spoke of disabling, my lords, I beg leave to take notice of a clause that contains a new and dangerous punishment, that was lately added to this bill; that is, my lords, the clause for incapacitating the late sub-governor, &c. from sitting or voting in either house of parliament, or from holding any office or place of trust under his majesty, his heirs or successors.

"My lords, I must presume to say, from some little incidents that have happened, this clause was not the punishment of a South Sea sin, and these unfortunate men were only thrown in, to make the draught go down the better. But how consistent this punishment may be with good policy and a free government, I submit to your lordships consideration.

"Here are no less than 36 fellow subjects cut off at one stroke from the commonwealth, and stript of the birthrights and privileges of

Englishmen; I mention it to your lordships as you are the guardians of those rights and privileges, that you may oppose an attempt, in its first instance, that seems to threaten our constitution, and shake even Magna Charta itself. No man, since we were a nation, has been so bold as to think of creating so dangerous a precedent, which, if it had been established sooner, had before this day exceedingly thinned the ranks of our ablest patriots.

"But, my lords, if this Bill must pass in any manner as to me, I am not concerned as to the effects of this clause. I say, if this Bill pass, (as they say it must) my ambition is at an end; it is too late for me to begin the world again; but an ill-natured man would be pleased, at his going off the stage, to leave this legacy to those that come after him

"Precedents, my lords, will advance, and this precedent will not sleep. The violence of the times, and the rage of parties, is too great to drop a precedent so useful as this will be.

"I shall trouble your lordships no more, than to say, that if I must be sacrificed to appease the fury of the misguided multitude, I heartily wish it may have that effect, which will be some alleviation to my misfortunes. But in vain have the guilty appeared against me! in vain have they stirred up the nation for one man's ruin; my fall will screen or secure no man; if I am innocent, there is nothing can make me guilty. Let the storm rage never so high at present, Englishmen will grow calm by degrees, truth is great, and will prevail."

Mr. Aislabie being withdrawn, the Lords ordered such other Witnesses, as he had to produce, to be examined the next day; and that the directors of the Sword-Blade Company should then attend with their books. Accordingly, on the 20th of July, the Lords in a grand committee, resumed the consideration of that affair, and examined the Sword-Blade Company, and their books, by which it appearing, that Mr Waller had received vast sums on account of South-Sea stock, their lordships did not think fit to call for any other witnesses; neither did Mr. Aislabie desire, that the members of the Commons, who had been summoned, should be examined.

MR AISLABIE'S SECOND DEFENCE.] But being called in, and asked, what he had farther to say in his own defence, he spoke as follows;

"My Lords,

"I have already endeavoured, and, I hope, with success, to satisfy your lordships, that the charge laid against me in the Bill now depending, cannot be supported by any general part of the preamble, nor by the particular facts stated by the Commons, nor by any evidence produced before your lordships.—As your lordships have examined all the witnesses recommended by the Commons to support their charge, I did conclude, when I came hither this day, that after what I said yesterday, I should not be called upon to offer any thing more in my justification.

"But now, my lords, I find here is a new matter started, relating to Mr. Waller's account, with the Sword-Blade Company, which is not within your lordships' order, that confines me to such matters only as relate to my own defence. I have been a little surprized and silent upon this occasion, not knowing whether your lordships expected, or whether it was fit that I should take any notice of it; for as the Commons have not transmitted this matter to your lordships, as a ground of their charge, I take it for granted, they did not think it worth your lordships' enquiry, or proper for your judgment, being rather a matter of clamour, and only calculated for the people.

"I must own, my lords, if it is expected I should give an account of this transaction, I am at a loss to know how to go about it. For, first, I do not know the contents of this account, and, in the next place, how shall I make it bear to my charge, or any part of it? How is it made out to be a breach of trust in the Chancellor of the Exchequer, to credit his son-in-law with any sum of money? Or how has he thereby combined with the South-Sea directors in their pernicious practices? Or how could he, in such an act, be guilty of dangerous and infamous corruption? There has nothing appeared to your lordships concerning this transaction, but the sum total of the whole account in such a time; and it may happen, that a great part of this transaction has no relation to South-Sea stock, and that a tenth part of it does not belong to me.

"But where are my labours to end? How is it possible, my lords, for me to dress up this matter to be a charge against myself, It is to be imagined, I suppose, that all these transactions have been upon my account, and, consequently, that I must have been a great gainer. I pity the malice of my enemies, that are reduced to such poor shifts, as to endeavour to prove my deep views and designs from the most stupid folly in the world, and my riches and exorbitant gains from this instance, and another which I shall presently mention to your lordships, that plainly shew my losses For is it possible, my lords, that a man, who is supposed to know the world, that is thought capable of forming a scheme, and of directing the very directors, should be so destitute of proper agents, as to trust his negociations to an unexperienced youth, who, by his transactions, seems to have dipt as much in the whims of the alley, as any adventurer of them all? The absurdity is too great, my lords, to gain credit any where, much less in this place, that one, upon whom the eyes of the world were fixed, and whose actions might be canvassed with great severity, should, in order to conceal his affairs, commit them to a near relation, acting in the most open and unguarded manner.

"And as my apprehensions, during the execution of this scheme, were become remarkable, and the jest of all that embarked in it, there can

be nothing more extravagant than to make me a party to this gentleman's transactions, which were visibly carried on with a spirit very different from mine, and which, from the nature of them, seem to be the effect of rash councils, and suited to the phrenzy of the times. Mr Waller, my lords, is a near relation, but entirely independent of me, and who consulted me less upon this occasion, than any other man, whereof this transaction with the Sword-Blade Company is the strongest evidence: For, as he has told your lordships, that I never knew of this account, or his keeping his cash there till they broke; so it is improbable I should trust all my affairs to his management, who dealt with a company in whom I never had any faith, nor with whom I ever had any dealings.

"As to the greatness of this transaction, I must own, my lords, if the memory of this year could be obliterated, it might very well surprize us; but I must observe to your lordships, that this sum of 700,000*l.* is not the balance of the account at any one point of time, as is generally understood, but the total amount of several sums paid and repaid many times backward and forward, and sometimes great part of it the same day. And any person used to accounts must know, the 40th part of this sum was more than sufficient to answer the whole sum of 700,000*l.*

"Many of your lordships know the truth of what Mr. Waller has told you, viz. that a great many young gentlemen, and others, (whose beginning was not so considerable as Mr. Waller's, who had a very good real and personal estate before the South-Sea scheme was thought of) have transacted for as much as he did. Nor does it follow from the greatness of the transaction, that the profit was extraordinary, since many have dealt for greater sums than this, whose fortunes are far from being improved; and it is very plain, that 10,000*l.* stock, not stirred at all, till sold out at the best advantage, would have brought more profit than all these numerous transactions put together.

"My lords, I am very free to own, that 53,000*l.* of this sum belonged to me, great part whereof is now locked up in the Sword-Blade Company, and depends upon the goodness of their security; and I am far from declining to give your lordships the most perfect account I can of all my transactions, notwithstanding Mr. Waller is not able to do it, who never kept any regular accounts that ever I saw, but did every thing in the same hurry and confusion, as most other young gentlemen at that time did. I do not perceive that your lordships have entered into the examination of this account, any farther than to know the sum total, which has not taken up much of your lordships time, notwithstanding the gentlemen of the Secret Committee have employed much pains in it, and have displayed it as a discovery of my immense gains, and a transaction entirely belonging to myself.

"My lords, it is very hard, that against all evidence, against all truth, and every circumstance that conduces to it, such an insinuation should proceed from any one man, or committee of men, to the prejudice, or ruin, of an innocent person. I dare say, my lords, they had no other grounds in the world for it, but the vain presumption from Mr Waller's near relation to me, that he acted solely for me; whereas it now appears to your lordships, by Mr. Waller's evidence, that he acted for many other friends as well as for me, and that I was not so much as privy to the accounts in kept with the Sword-Blade Company. Is it then possible, my lords, that your lordships should give way to so groundless a supposition, as that all this account should belong to me?

"My lords, if this way of proceeding had been the general rule of judging in the cases of others, the Secret Committee might have carried on their enquiries against many in the administration, with much more justice and certainty than against me; and they might, if they had thought fit, from the dealings of several agents, friends, and dependents, who dealt for much more than Mr. Waller, have furnished matter of imputation against persons, concerning whom they are altogether silent. And if it had not been too invidious in me, my lords, to have asked the question, Mr. Waller could have named to you some persons, who had less foundation of their own than himself, and who yet have transacted for much more, and who have the honour to be known to some of the Secret Committee, as well as to much greater men than myself.

"But, my lords, as I am confined to what only relates to myself, give me leave to say, that this account of Mr. Waller's with the Sword-Blade Company, and the account of stock bought and sold by Mr. Weymondsold, have been the chief grounds of my accusation, or rather of the public clamour, though of the whole balance of this account of Mr. Waller's when truly examined, there is but 53,000*l.* belongs to me; and Mr. Weymondsold's great account of 77,000*l.* stock, when fairly stated, is reduced to 12,000*l.* stock, now in my hands. It was impossible to work people up to such violent and extraordinary proceedings, without first raising the public envy and resentment. It was therefore thought necessary to make the world believe, that I was immensely rich, and that I had gained my wealth from the spoils and ruin of the unhappy sufferers. It was necessary to make the world believe, that the scheme was calculated by me with that view, and that I had the sole conduct of it, or, according to the witty turn of a very learned gentlemen, that I was the director of the directors.

"As the opinion, my lords, of my exorbitant gains has almost universally prevailed, be pleased to give me leave to explain how a report, so artfully raised and dispersed about the nation, came, at last, to be strengthened, and, as it were, sanctified by authority of the House of Commons.

"The Secret Committee, who were sp-

pointed to enquire into these proceedings, had, with great pains and application, examined and searched into every thing; but before they could be ready to lay any great discoveries before the House, in order to satisfy the impatience of gentlemen in some manner, and to give a specimen of their labours, an honourable member of that Committee stood up, and pronounced to his place, that he had found out above 10 millions that belonged to the directors, and, by way of supplement, above a million and a half more that belonged to another gentleman, whom he did not think fit to name at that time. This hopeful beginning gave much satisfaction to those who delight in great discoverys, and raised the expectation of all his hearers: But so dull was I, as not to find out that I was concerned in this description, 'till every libel, and every news-paper was full of it. But what did these vain promises amount to? Your lordships have seen what the directors have produced, and how far short it falls of this romantic account. And as to myself, the object of this solemn enquiry, I doubt I shall not contribute much, though this bill should pass, to raise the reputation of the Secret Committee in these wonderful discoveries.

"Thus, my lords, I have cleared my way through all the dirt and scandal that hath been thrown upon me; I shall now beg leave, my lords, to lay before you a short narrative of the rise and progress of this scheme, and the execution of it, after it passed into an act, as far as has come to my knowledge, that your lordships may judge whether I have done my duty, or have been guilty of any omission.

"My lords, I have proved by sir John Blunt, that he first communicated his scheme to the late lord Stanhope, soon after his majesty's return from Hanover, in 1719; that my lord Stanhope, some time after, sent this scheme to me, and desired me to talk with sir Jooh Blunt about it, which I did in the presence of Mr. Clayton and Mr. Knight; that there were several alterations made in this scheme, and, particularly, in one part of it relating to the funds of the Bank and the East India Company, which were proposed to be incorporated into the funds of the South Sea Company.

"And, at last, the scheme was formed and agreed to by all those in the administration, as it was first opsoed and proposed in the House of Commons. And I do aver here, before your lordships, that there was not one step taken in this affair before it passed into an act, that was not taken by the concurrance and approbation of those in the administration, and even some of the Secret Committee: and so cautious and diffident was I of the success of so great an undertaking, that though the scheme was adapted to the notions and opinions of those gentlemen, who, for two sessions before, had opposed all measures for reducing the interest of the public debts, till the Long Annuities were made redeemable; yet I would not adventure to introduce it to the House of Commons, till it had been communicated to and approved of by them: and as this scheme was then calculated with no inconsiderable advantages to the public; as it at once raised three millions and a half towards the discharge of the public debts; and, at the same time, put the Long and Short Annuities into a state of being redeemed; and, after four years, reduced the interest of the whole debt of England to 4 per cent. and thereby made a vast addition to the sinking fund; I flatter myself, it could not have been thought a bad bargain to the public, as some were pleased to represent it, or liable to those unhappy consequences that have attended the alteration of it, since it would have been restrained and tied down to such conditions, as would have made it impossible for any projectors to have hurt us.

"But, my lords, these measures were all broke at once, by a sudden resolution of the Bank, who, before, had shewn a great backwardness in undertaking any thing for the reducing the public debts, and had treated this scheme with great contempt; I say, my lords, as soon as this scheme was opened in the House of Commons, the gentlemen of the Bank were immediately stirred up to become competitors for it, and to desire that they might be suffered to offer proposals as well as the South Sea Company.

"It was very easy to see the consequences of this competition; and I expressed my fears to all those in the king's service that were consulted about it; and we had a meeting, where the lords of the treasury, and those in the administration, were present, in order, as sir John Blunt says, to persuade the South Sea Company to advance their proposals, and to offer four millions certain: It was then, my lords, that I again expressed my fears of this undertaking, and declared, that I did not see how the South Sea Company could go through with it, if they were to give any more money for it, without the assistance and concurrence of the Bank, and much less, if the Bank opposed them; and upon this, I proposed to the South Sea Company, that the schems should be divided between them and the Bank, which drew from sir John Blunt this memorable saying, 'No, sir, we will never divide the child.' For my part, my lords, upon this occasion, I was entirely for dropping it; nor could I be prevailed upon, by those that pressed me very warmly, to have any thing more to do in it; and when a certain gentleman of the Secret Committee, at the instance of an honourable gentleman that is since dead, moved the House, that the Committee might be opened again, to receive fresh proposals from the two companies, and, as it were, to set up the nation to auction, I was so far from approving it, or giving my consent to it, that I quitted the House upon it, and would not be present when it was moved. This, I think, was shewing my dislike of it, as far as I could decently do it, in respect to my fellow servants, from whom I differed; and I defy any man to prove, that from that day, till

the last proposals of the South Sea Company were actually accepted by the House of Commons, I ever spoke to, or conferred with or advised any one of the Directors of the South Sea Company, to bid a shilling more than they had done, and if they did advise with any in the administration about these last proposals, it was either at my late lord Stanhope's, or at Mr Secretary Craggs's; for they never came to my house afterwards, till the bill was drawn. And, my lords, to shew you my dislike of this fatal transaction, (since all the arguments against me are drawn from interest) I must acquaint you, that the night before these proposals were offered to the House of Commons, I was told at my lord Stanhope's, that some of the South Sea Company had been there, and that they were resolved to out bid the Bank at any rate. To this, my lords, I then declared my dislike, and gave orders that night to sell out all my South Sea stock, (except 2,000*l.*) which was actually done the next morning, and which makes so great a figure in Weymondsold's account. Thus, my lords, if we were to judge from interest, I could not be thought partial to the South Sea Company's proposals, when I had so little stock with them, and so much in the Bank; and, my lords, there is nothing more notorious, nor which can be proved by more witnesses, than that I did not go out to the Directors that morning, to advise them to out-bid the Bank, (as sir John Blunt would insinuate, though he has been contradicted in it by Mr. Joye and others) but that I sat still in my place in the House of Commons, until the proposals were received, expressing my dislike of them to all those about me, and publicly declaring in the House, that I thought both the corporations had out-bid themselves.

"Thus was this scheme accepted, and as sir John Blunt says, become the act of the House of Commons; and, as it was their act, it was my duty, by the nature of my office, to see the bill drawn and brought in accordingly.

"My lords, there was something very extraordinary in the consequence of this affair, that the more the South Sea Company were to pay to the public, the higher did their stock rise upon it: Whether this proceeded only from the distemper of the times, that afterwards broke out into such a flame, and which was kindled by the opposition of the Bank, and the value they set upon the scheme, by bidding so high for it; or from what other cause I cannot tell; but from that time it became difficult to govern it; and let those gentlemen that opened the flood-gates wonder at the deluge that ensued as much as they please, it was not in one man's power, or in the power of the whole administration, to stop it, considering how the world was born away by the torrent, and particularly the members of the House of Commons: and I will be bold to say, my lords, and the gentlemen of the Bank, I believe, will own, that if they had carried the scheme upon their last proposals, they could not have executed it with success; and I will shew your lordships from what they have done since, that they would have acted in the same manner as the South Sea Company have done, and I am sure with more fatal consequences to the public.

"Thus, my lords, was this Bill passed, and whatever conditions, or restraints might have been put upon the South Sea Company, if the first proposals had been accepted, they became now impracticable; nor would the South Sea Company submit to be controuled in an undertaking they were to pay so dear for. And notwithstanding it has been said that the scheme could have been executed at 150; yet Mr. Gibbon has told you, and so will all the other Directors, that they would not have undertaken to have given so much as five millions, if they had been restrained from selling their stock higher than at that price. And therefore, as there was no power reserved to the treasury to controul the Directors in the execution of the scheme; and as there were such vast advantages to accrue from it to the public, there was nothing remained for the treasury to do, but to give them all the assistance they could, and particularly, what the law had provided for them.

"For this reason, my lords, the exchequer notes were issued to them, though at that time their stock was high, and perhaps they might not want them very much, since it was easy at that time for them to raise what sum they pleased by subscriptions.

"But as they were intitled to those notes, and as they were demanded of the treasury according to law, the commissioners of the treasury could not be so indiscreet, as to refuse them, without taking upon themselves the blame of any miscarriage; and it is very plain, that the wisest of the directors, who saw their stock carried to that monstrous height, where it never could be supported, were apprehensive of the consequences of it, and were looking out for every pretence to lay the blame upon the administration.

"But though I was always upon my guard in this point, yet I do declare, I never was wanting to serve and assist them to the utmost of my power. And though perhaps, my lords, it was in the power of the treasury, if they would have taken upon them what did not belong to them, to have run down the stock; yet considering the parliament was then sitting, the greatest part whereof were deeply engaged in it; it had been a bold undertaking for the treasury to have attempted to have brought down the stock, and must have drawn upon themselves the rage of all the sufferers, and sure destruction.

"This unhappy affair, my lords, began at a time when the passion and avaricious desires of mankind are grown up to a madness and a distemper, and one cannot without pity look back upon the rage and folly of the year. The unaccountable success of this undertaking gave birth to many base and ruinous projects; and it must ever be a public reproach, that encouragement was given to those two bubbles that

were established, to raise a supply for the support of the civil list; it is very well known that those two projects did not proceed from me. Whatever opinion the world may have of the South Sea scheme, I will presume to say, these two projects were founded in greater iniquity, and contributed more to the public calamity than any thing else.

"After this, my lords, I may venture to say the South Sea scheme was become ungovernable; and some of the wisest of the Directors were so sensible of it, that to do them justice I must declare, they came to the treasury, and offered to advance the money for the Civil List upon sure and easy terms, rather than that those bubbles should take place.

"But though the treasury were provided with ways and means for a supply to the Civil List, without the help of either; yet those projects, and others, had taken such deep root in the House of Commons, and elsewhere, as made it impossible to oppose them; and they had that consequence which the Directors of the South Sea Company foretold, and which every body might foresee, viz. to encrease the flame, by adding this unnecessary fuel to it. As the South Sea Scheme might give birth to the bubbles, so the bubbles contributed to raise the South Sea to that height which brought us into this condition.

"My lords, I must not omit in this place to take notice, that this spirit of bubbling had prevailed so universally, that, to shew you what would have been the case if the Bank had obtained the scheme, the very Bank became a bubble; and this, my lords, not by chance or necessity, or from any engagement to raise money for the public service, but from the same spirit that actuated Temple-mills, or Garaway's fishery. For this purpose, my lords, they entertained a scheme, in imitation of the South Sea, of lending money upon their stock, which as it is contributed to raise the price of their own stock, so it furnished a supply of cash to the gamesters in the alley, that at once pushed up the bubbles and the South Sea to an immoderate height. But as this was intended chiefly to advance their own stock, let the project come from what hand soever, it was founded in the same iniquity with any other bubble, and was of ten times more dangerous consequence: For as Bank stock was raised by it from 150 to 245, and as it has fallen from thence to 130, there have been many millions lost upon it; besides the fatal consequence it had like to have had upon the public credit; for, for want of this money, which was locked up in loans upon their own stock, and could not readily be come at, they were at a loss when the crush happened, and were forced to have recourse to a subscription, supported chiefly by the adventurers of the South Sea, and to a memorable bargain with the South Sea Company.

"And here my lords, whilst I am speaking upon this subject, give me leave to lament the fate of the unhappy proprietors of the redeemable debts, that were drawn in to subscribe their respective estates, not so much from the arts of the South Sea Directors, as from the fatal influence and example of some of the chief managers and friends of the Bank; who, though they now make the greatest clamour for justice, were the first that subscribed the redeemables into the South Sea Company; and this, my lords, they did not in by surprise or mistake, but upon great deliberation; having some time before prepared for this subscription, and purchased great part of this debt, at advanced prices for this purpose. And there are some of these gentlemen, and even some of my accusers, that purchased the redeemables, who thought me extremely silly for advising them against endeavouring to make their fortunes by this project. And it is likewise very remarkable, my lords, that a letter was produced to the House of Commons, under the hands of the chief directors of the Bank, whereby they made the most early application, and in the most humble and abject terms to their most determined enemy, sir John Blunt, to be admitted to this subscription. It was no wonder then that the wisest and most cautious of their admirers went along with them, and much less that the crowd should be led into this fatal error by their example.

"I do not say this, my lords, to lay any blame or imputation upon the Bank, but to shew your lordships, that this grave and cautious body of men were touched with the infatuation as well as others; and that some of their greatest friends, and the loudest complainants, were, in spite of all advice, the greatest pushers in this chimerical project.

"I must own, my lords, I was pretty much surprized to see this work going on; but as the act of parliament had entirely divested the treasury of all power and controul over the South Sea Directors, in respect to the redeemable debts, we could be only spectators of this melancholy scene.

"Of this the Company was not ignorant, and therefore did not think fit to consult me, or any of my brethren, about it, but hurried it on to execution at once. They knew their power too well, and were too much elated with their prosperity, to think of consulting with the treasury upon that occasion; and to shew your lordships, how vain it had been for the treasury to have interposed, and of what little weight the chancellor of the exchequer was at that time with these gentlemen, before the treasury was adjourned, I waited upon some of the directors at the South Sea house, to know if they had any commands for the treasury. I, indeed, took the liberty to recommend to them, in a particular manner, the expediting the duplicates of the subscriptions of the redeemable and irredeemable debts, that the proprietors might have their stock in their own hands as soon as possible; but I found them too busy in making their loans, and squandering away the Company's money, to mind such trifles; and so I was dismissed by sir John Blunt, with

leave to go into the country. Such was the pride of this mighty projector at that time, to whom so many have bowed and sued for favours.

"We have lost the memory of every thing, if in so short a time it can be forgot how the eyes of the world were turned from the treasury, and the chief minister of state, to this great oracle, whose word (as sir Theodore Janssen says) was a law to the Company. To him we owe every motion, and every desperate step that was taken in the execution of this scheme: and therefore I cannot help saying, that the countenance which has been shewn him in another place, is due to a merit that has not yet been made known to the public.

"But this glory, my lords, did not last long, and I was scarce got down into the country, when I was called back by the cries of those concerned in this unhappy Company. I found the Lords and others in the administration met, and using their endeavours to succour and support the stock. The Bank by their mediation was called in to the assistance of the South-Sea Company, and an agreement was made between the two Companies, to which I was rather a witness than a party.

"This gave some life to their stock, and stopped the mouths of the redeemables, who were grown very clamorous. I must own the just concern I had at that time, and shall always retain for the great body of the public creditors; and I was pleased to see them so well satisfied with the bargain the Bank had made for them, and for themselves, upon whom they pinned their faith so absolutely. And for my part, I who was not in the secret could not but think it a real, and sincere bargain, since it was made in so solemn a manner, between a committee of both companies, in the presence of many lords and gentlemen in the administration, confirmed and ratified by the Court of Directars of each company, and at last signified in form to the commissioners of the Treasury, by sir John Cope, one of the Directors of the Bank.

"I could not suspect there was any intrigue, or deceit in this transaction, until I saw, from the extraordinary motions in the alley, and several private hints that were given out, what was intended. I could not think it possible that the gentlemen of the Bank, who had such great interest in the redeemables themselves, should drop so many thousands of the unhappy proprietors, who had depended so entirely upon them, and who would certainly have found their way out of this cursed labyrinth, if they had not been lulled asleep by this fallacious agreement.

"As for me, my lords, I was thoroughly satisfied that this agreement of the Bank, was a legal and a firm bargain: and I cannot yet imagine, with what face of justice, or equity, they could ever break through it, without providing for the safety of their wards, (if I may use that expression) the proprietors of the redeemable debts.

"Whilst that bargain subsisted, and whilst the great frauds and embezzlement of the South-Sea Company's money were concealed, at least from me; and whilst loans as yet were not remitted by the House of Commons, I did not think these proprietors had so ill a bargain, or could be so great sufferers as I now find they are: for this reason, my lords, with much reluctance, and after all the delays that could be made, in order to give these gentlemen the opportunity to withdraw their subscriptions, if they thought fit, we did sign the instrument to the Exchequer, as the law directs, and as we thought ourselves bound to do; but there was that caution used, that after we had sent the duplicates back to the South-Sea House to be corrected, and in order to give these gentlemen time to look about them, there was not one person that pursued the law, or made use of the known method of revoking his powers given by letters of attorney, that was not relieved; and so far were the proprietors indulged by favour of the Treasury, that every person who entered his protest there, had his claim satisfied by the South-Sea Company, before the duplicates were allowed, and the instrument signed. But after all this, my lords, I must declare, that as I had no design of forming a power upon their ruin, so no views or solicitations upon earth, should have prevailed with me to conclude them in their properties, if I had thought the Bank would have dropt them, and withdrawn themselves, or that the loans would have been remitted.

"My lords, I heartily lament the misfortunes of those, who being drawn in by others, had not the opportunity, or skill, to relieve themselves: but for those, my lords, that were learned in the law, or at the head of the law, and who by their example, and perhaps authority, drew others into this misfortune, I am not concerned if they are punished for their folly, in purchasing these debts, in order to subscribe them in with a view to their own exorbitant profit, and no man can pity them that crowded in with so much precipitation, and who, after so much time for recollection, had not law enough, in so known a case, to find their way out again.

"I do not intend, my lords, by what I have said, to lay any imputation upon the Bank of England; for, as in all great bodies, there are few that are let into the secret, I suppose it might so happen here, but if what I have heard since be true, and what they say has been publicly avowed, that this bargain was never intended to be kept; then, I say, it was not only a useful secret to those that were in it, but the most complete stratagem of the whole year. But whoever hath contributed to the misfortunes of the redeemable creditors, sure I am, their destruction cannot justly be imputed to me; since I have only, as one of the commissioners of the Treasury, complied with the law, where I heartily wish they may find what relief is due to them. If I may be allowed, my lords, to take notice of another

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body of unhappy sufferers in this common calamity, I believe I shall easily gain credit, if I assure your lordships, that I have nothing to answer for with respect to the money-subscribers. There is not one man in the kingdom that can lay his misfortunes, on that account, at my door. No body can say, that I advised, or encouraged him in those adventures; there are letters to be produced, that would make my enemies ashamed, even some of the Secret Committee themselves, of their humble solicitations for those favours.

"As to the proprietors of the Old-Stock, they have no reason to complain of me; I have not robbed them by loans for myself, or any of my friends, and as all the witnesses that have been examined, have entirely acquitted me, of advising, or being privy to any of those loans, so I challenge all the world to prove that I ever recommended any one man to the Company, to partake of them. And if I had those avaritious views, that are suggested, I must have mistaken my way very much, and have been little in the secret, not to have secured a good share of the public spoils out of these unwarrantable loans.

"But as these loans, and the Directors buying their own private stock for the Company, with the Company's money, were the chief, if not the only causes of our misfortunes, and the ruin of the public credit; so, my lords, the Directors, I mean those that were in the secret, were so far from consulting me, or any of the commissioners of the Treasury, upon either of those occasions, that notwithstanding my endeavours to know the state of their cash and credit, they kept it as the greatest secret from me, and guarded more against me, than against any other man living. Nor could I ever learn from Mr. Knight, what those loans amounted to, or upon what security they were lent; notwithstanding others were let into that secret, until the accounts thereof were laid upon the table of the House of Commons. Thus, my lords, I conceive I have given you full satisfaction as to every thing that hath been laid to my charge, or that I can even suggest against myself without the help of my prosecutors; but if any doubt remain with your lordships, in relation to my defence, or if there be the least circumstance that is not cleared up, I beseech your lordships that I may know it, before I withdraw.

"My lords, I now perceive your lordships do not think it necessary that I should take up any more of your time, and therefore since I have gone through my whole charge, and your lordships are pleased to require no farther satisfaction; give me leave to say before I conclude, that notwithstanding the weight of public clamour, and the strictest and most torturing inquiry that any one man has ever undergone, it is an unspeakable happiness that I have set my innocence in so clear a light; and it is surprizing beyond any thing that ever happened, that amongst so many unfortunate men, to whose fate I am tacked by this Bill, and who have been examined particularly against me under all the terrors of death and confiscation, and under all the temptations that could be thrown in their way there is not one of them that has accused me; but, on the contrary, they all have entirely acquitted me.

"This, my lords, I must call a deliverance, this will make me bear the worst of punishments without shame. This is such a trial that no one ever past through before; and I heartily wish that the worst of my enemies may, in their day of trial, after such a prosecution and such an inquiry, be able to make their innocence abide the test as well as mine has done. I have made no base submissions, no unworthy applications to any man, notwithstanding the vanity of one of the Secret Committee. My innocence has been my only screen, and your lordships' justice is my refuge."

The Clause against Mr Aislabie and the late Mr. Craggs passes the Lords.] After Mr. Aislabie was withdrawn, the question being put, That there was sufficient ground to have his name continued in the Directors Bill, it was carried *nem. con.* and so he was remanded to the Tower.*

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* In the second volume of Coxe's Walpole, p. 219, there is the following Letter from Mr Aislabie to Mr. Robert Walpole, thanking him for his kindness, and acknowledging his own mistakes.

"Sir; Feb. 2, 1722.

"I am extremely sensible of your generosity, and am more ashamed of my own follies and mistakes, than any severe treatment I might deserve at your hands could make me. Since you have been so good to promise to forget what is passed, I shall not put you in mind of it any further, than to return you my most hearty thanks. I have sent you an account of the king's stock, with all the dividends as they were received by sir Charles Vernon, to whom the stock was transferred; I have accounted with him this morning, and he has bought the stock that was pawned to him, and paid me the balance; so that at last, I have raised as much as will pay the king, and shall have it ready against Monday night, if you please to let me know to whom I must pay it.

"I have likewise sent you a state of my own account before the judges, by which you will see my estate is not so great as is represented, since I must take all the bad debts to myself. The trustees are both very civil to me, and I am very sensible to whom I owe it. The judges meet on Wednesday next, to proceed on my account; when the chief justice Pratt will be there; if he and judge Fortescue be well inclined, I hope to make an end of it. The doubt they make at present is, whether 29,000*l.* public money, which was in Mr. Hawes's hands October 1718, be part of the effects I had in other people's hands at that time, and which I had invested in stocks some time after all the public money was paid away.

July 21. The Lords heard counsel upon the Petition of the Executors of the late Mr. Craggs, sen. and then called in and examined severally sir George Caswall, Mr Sawbridge, Mr. Surman, Mr Horn, and Mr. Huggins. It was alledged, in favour of the Petitioners, that Mr. Craggs had paid for his stock, by a note of 37,000*l.* from the Sword-Blade Company, payable to Mr Robert Knight, treasurer of the South-Sea Company: and sir George Caswall, and Mr. Sawbridge, swore that they had given such a note: but when the question was put to Mr. Sawbridge, whether the note was paid, he first answered evasively; which put the House into some heat, and the lord Trevor stood up, and said, He wondered that august assembly would suffer themselves to be trifled with at that rate. Hereupon, Mr. Sawbridge being ordered to answer directly upon his oath, whether the money mentioned in the note, was paid or not? he then owned it was not; nor ever intended to be paid, when it was given: upon which the House were so thoroughly convinced of the fraudulent collusion, that they would hear no more witnesses, and so passed the clause relating to the late Mr. James Craggs, senior, without one negative.

The South Sea Sufferers Bill passes the House of Lords.] July 22. The Lords went through the South-Sea Directors Bill, and put it off to the 24th. On the 25th their lordships read the said Bill the third time, and sent it down to the Commons, who readily agreed to their lordships' Amendments

Bill against Blasphemy and Prophaneness brought into the House of Lords, but rejected.] During these proceedings concerning the Affairs of the South-Sea Company, the following transaction passed in the House of Lords There was formed (at least, it was pretended so) a scandalous society at London, with the shocking name of the Hell-Fire-Club. Several persons of quality, particularly the duke of Wharton, were marked out as belonging to this club. The king being informed of their wicked proceedings, published a Proclamation (April 20) against blasphemous and scandalous clubs, declaring, he was determined to shew all marks of displeasure to any, who even lay under the suspicion of such destructive practices. He gave orders also to the officers of his houshold, to make strict inquiry, whether any of his servants were guilty of such horrid impieties. The same day this order was given, the earl of Nottingham, who had lately answered Mr. Whiston's tenets about the Trinity, took this occasion to complain, in the House of Lords, of the growth of Atheism, Profaneness, and Immorality. Upon this, Dr. Verney, lord Willoughby of Brooke, dean of Windsor, brought in a Bill for suppressing of Blasphemy and Profaneness. It contained several Articles, which had little relation to the practices complained of, and was chiefly designed to secure the belief of the Thirty-Nine Articles of the church of England, and restrain the liberty granted, by the laws of the former session, to the non-conformists. The substance of it was:

1 "If any one spoke or writ against the being of God, the divinity of Jesus Christ, or the Holy Ghost, or the doctrine of the Trinity, as set forth in the thirty-nine Articles, or the truth of the Christian religion, or the divine inspiration of the scriptures, he should, upon conviction, be imprisoned many months, unless he should, within such a time, publicly renounce his error, in a form prescribed.

2. "If any preacher in a separate congregation should deny any of the fundamental articles of the Christian religion, he should be deprived of the benefit of the Act of Toleration.

3 "The archbishops in their provinces, and every bishop in his diocese, should be authorised to summon any person in holy orders, to appear before, and subscribe the declaration abovementioned, and, upon refusal, such person should be incapable to hold any ecclesiastical benefice.

4. "The justices at their quarter-sessions, are authorised, in like manner, to summon any dissenting preacher, and, upon his refusal to subscribe the declaration of faith, he should be deprived of the benefit of the Act of Toleration."

At the second reading of this Bill (May 2) all the lords about London being summoned to attend, the archbishop moved to have it committed. Upon which,

The Lord *Onslow* said: He was as much against blasphemy, and for promoting religion, as it is professed in the church of England, as any body, but he could not be for any law, that was for persecution, of which nature he took this bill to be; and therefore he moved, that it might be thrown out. He was seconded by

The Duke of *Wharton*, who said, He was not insensible of the common talk and opinion of the town concerning himself; and therefore he was glad of this opportunity to justify himself, by declaring, he was far from being a patron of blasphemy, or any enemy to religion; but, on the other hand, he could not be for this bill, because he conceived it to be repugnant to the holy Scripture. Then, taking an old family Bible out of his pocket, he quoted and read several passages of the Epistles of St. Peter and St. Paul, concluding, That the bill might be thrown out. He was supported by the duke of Argyle, and the earls of Sunderland and Ilay, the lord Townshend, and earl Cowper.

The Earl of *Peterborough* said, Though he was for a parliamentary king, yet he did not desire to have a parliamentary God, or a par-

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As this can scarce be a point, yet being matter of account, they do not take it readily. I beg that you will assist me to make an end of this affair, in such manner as you think proper, that you may see, that by making me free, you have made me your creature, and most obliged faithful servant."

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lamentary religion: and, if the House were for such a one, he would go to Rome and endeavour to be chosen a cardinal; for he had rather sit in the conclave, than with their lordships upon those terms

The Bishop of *Peterborough*, (Dr. Kennet) spoke likewise on the same side, and said, That neither himself, nor, he hoped, any of that bench, would be executioners of such a Law, which seemed to tend to the setting up of an inquisition.

On the other hand, the earl of Nottingham, the lord Bathurst, the bishops of London, Winchester, Litchfield and Coventry, and some others spoke for the bill; as did likewise the lord Trevor. One of these having said, That he verily believed, the present calamity, occasioned by the South-Sea project, was a judgment of God on the blasphemy and profaneness the nation was guilty of!

The Lord *Onslow* replied, That noble peer must then have been a great sinner; for he heard, he had lost considerably by the South-Sea.

After some other speeches, the Bill was put off to a long day, by a majority of 60 voices against 51.

The Commons' Address to the King on presenting the Resolutions for restoring the Public Credit.] July 26. The Commons presented the following Address to the King representing the state of the Public Credit, and the Resolutions thereon relating.

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, being sensibly affected with the misery and calamities that have befallen great numbers of your majesty's faithful subjects, occasioned by the heavy losses they have sustained from the fatal execution of the late South-Sea scheme; and taking into our serious consideration the low state of public and private credit, which it seems impossible to us should ever revive, under the present uncertain and unsettled posture of affairs; have come to several Resolutions; which we humbly beg leave to lay before your majesty; and are as follow:

Mercurii, 3 die Maii 1721.

'Resolved, That, for the re-establishing of 'public credit, relief be given to the South-Sea 'Company, with regard to the payment of the '4,156,368*l.* 4*s.* 11*d.*, and the four and half 'years purchase, and one year's purchase, upon 'several annuities, and other national debts; 'the said Company giving such consideration to 'the public, and such further relief to the several 'proprietors and persons concerned in interest 'with the said Company, as this House shall 'think proper.'

Veneris, 9 die Junii 1721.

'Resolved, That, for the re-establishing of 'public credit, and quieting the minds of his 'majesty's subjects, the several properties and 'interests, now depending, and concerned 'with the South-Sea Company, be ascertained 'and settled.

'Resolved, That, in order to put an end to 'all disputes between the South-Sea Company 'and the proprietors of the redeemable funds 'subscribed into the said Company; and for 'the further relief of the said proprietors, and 'the proprietors of the second, third, and 'fourth, money-subscriptions, who have now 'stock allowed them, at the rate of 400 per 'cent. with the last Midsummer dividend of '10 per cent. in stock; an addition, after the 'rate of 33*l.* 6*s.* 8*d.* stock, upon every hundred 'pounds stock already allowed, be given by 'the South-Sea Company to the proprietors of 'the said redeemable funds, and to the pro'prietors of the second, third, and fourth, 'money subscriptions.

'Resolved, That the sum of 4,156,341*l.* with 'the four years and a half, and one year's pur'chase, payable to the public by the South Sea 'Company, be remitted; so as, from the 24th 'of June, 1723, 2,000,000*l.* of the capital 'stock of the said Company be reduced and 'annihilated; and a proportionable part of 'their annuity or yearly fund, in respect of the 'said two millions, from that time, cease.

'Resolved, That the second subscription of 'the irredeemables, as well the long annuities 'as the annuities of nine per cent. prize lottery 'tickets, and blank lottery tickets, be made 'equal to the first subscription of the like 'annuities, and tickets, by an addition of 'stock at 150*l.* per cent.

'Resolved, That all the capital South Sea 'Stock belonging to the Company, in their own 'right, which, after the proposed distribution 'made, shall remain undisposed of, be divided 'among all the proprietors of the said Com'pany, in proportion to their several and res'pective interests therein; and that credit be 'given them for the same, in the books of the 'said Company.'

Martis, 13 die Junii 1721.

'Resolved, That such persons as have bor'rowed money from the South Sea Company, 'upon South Sea Stock, actually transferred 'and pledged at the time of borrowing, to or 'for the use of the said Company, shall, upon 'payment of 10*l.* per cent. upon the respective 'sums so borrowed; at a time or times to be 'limited, and not otherwise, be discharged 'from all further demands of the said Com'pany, in respect of the monies so borrowed, 'and that all the stock so transferred and 'pledged, together with all dividends and 'profits thereto belonging, respectively, be 'absolutely vested in the said Company.

'Resolved, That such persons as have bor'rowed money from the South Sea Company 'upon subscription receipts actually pledged to 'the said Company at the time of borrowing, 'shall upon payment of ten per cent. upon the 'respective sums so borrowed, at a time or

'times to be limited, and not otherwise, be 'discharged from all further demands, in respect of the monies so borrowed; and that all 'the subscription receipts so pledged, together 'with all dividends and profits thereunto 'belonging, be absolutely vested in the said 'Company.'

Mercurii, 5 die Julii 1721

'Resolved, That all contracts for the sale or 'purchase of subscriptions, or stock of the 'South Sea Company, or any other company 'or corporation, or pretended company or corporation, which shall be unperformed, or not 'compounded, on or before the 29th of September next, be entered in books to be kept 'for that purpose, by the respective companies 'or corporations, before the 1st day of November next, or else to be void; and that such 'entries shall express for whose use and benefit such contracts were made.

'Resolved, That no special bail be required 'in any action brought or to be brought upon any 'contract made since the 1st day of December 1719, and before the 1st day of December, 1720, for the sale or purchase of any 'subscription, or stock, of the South Sea Company, or any other company or corporation, 'or pretended company or corporation.

'Resolved, That no execution be awarded 'upon any judgment obtained, or to be obtained in any action brought, or to be brought, 'upon any contract for the sale or purchase of 'any subscription or stock of the South Sea 'Company, or any other company or corporation, or pretended company or corporation, 'until the end of the session of parliament 'which shall be next after the 29th of September next.

'Resolved, That all contracts for the sale 'or purchase of any subscription or stock of 'the South Sea Company or any other company or corporation, which shall be unperformed or not compounded, on or before the '29th of September next, where the seller, or 'the person on whose behalf such contract was 'made, was not at the time of such contract, or 'within a time to be limited, actually possessed 'of, or intitled to, such subscription, or stock, 'shall be declared null and void.'

"When we first entered upon the consideration of this extensive and perplexed affair, we thought it most advisable to leave every man's property to be determined by due course of law; and were of opinion, That no relief or abatement could properly be prescribed, or given, but from the South Sea Company, but the discontents of the people daily increasing, and the uncertain and doubtful events that threatened very great and valuable properties, creating such infinite anxieties and dissatisfaction, as had a most fatal and general influence upon all public and private credit, the interposition of parliament became unavoidable: and we found ourselves under a necessity of resuming the consideration of this nice and intricate matter; and to endeavour to remove, as far as possible, the chief and greatest inconveniences

"The great difficulty in remedying these mischiefs seemed to arise from the several contending interests, engaged in the South Sea Company, which made it impossible to give relief to some, but at the expence of others: and, as all the new proprietors, as well those concerned in the public funds, as the other adventurers, were equally imposed upon by the artifices of the late Directors, and equally drawn in by their own too great credulity, and desire of gain; to have discharged any particular set, had been not only an injustice to the rest, but, by dissolving the whole system, had involved them in utter ruin; which made a distribution of losses, and some abatement to all, absolutely necessary: it was indeed very much to be wished that such ease could have been given to the proprietors of the public debts, as would have made their property as valuable to them as they had enjoyed it for many years: but, as they had voluntarily consented to take stock, at some rate or other, even at the time when they saw the stock raised to the highest pitch; the giving stock at one and the same price to them, and all others that were most immediately concerned, makes the provision as just and equitable as the nature of the thing will admit; it being impracticable so far to reconcile the different interests in this general concern, as to make the conditions of those equal, that had engaged themselves at different rates, and upon unequal terms.

"The great and principal mischief arose from several concurring circumstances; from the hard terms of most of the proprietors, occasioned by the high prices at which they had purchased stock; or the excessive rates at which as well the proprietors of public debts as the money-subscribers, had obliged themselves to take stock: from the demand of above seven millions payable to the public, which could only be raised out of the properties of those that were already too great sufferers, and which rendered the Company incapable of giving them any further ease or relief; from the disputes and contests at law, which were preparing to be carried on, not only between the Company and the subscribers of the redeemable funds, but between infinite numbers of private persons engaged in contracts for the sale and purchase of stock, and subscriptions; from the impossibility of the money-subscribers making any further payments; from the great loss the Company had sustained, by the late Directors having lent out above eleven millions of the Company's money, without any, or without sufficient, security; and from the very little prospect of recovering any considerable part thereof, without which it was impossible for the Company to comply with the demand of the public, but at the infinite expence, and insupportable loss, of all their adventurers, which must have proved destructive to the trade and credit of the kingdom.

"These considerations induced us to come

to the foregoing resolutions; being, as we conceive, the most proper means to enable the Company to give relief to such of their proprietors as most wanted and deserved it; to put an end to all disputes at law: and to fix, settle, and ascertain, the several properties and interests of all persons concerned with the South-Sea Company; to deliver infinite numbers of your majesty's good subjects from the apprehensions of vexatious law-suits and prosecutions; and from the further demand of such excessive sums of money as must sink and depress all public and private credit.

"And, as the greatest mischiefs, which we now so justly complain of, have arisen from the unwarrantable methods used by the late Directors of the South-Sea Company, in selling and disposing of such part of their increased capital stock as belonged to the Company; to remove such a foundation of Stock-jobbing, and to prevent the like fatal consequences for the future, we thought it necessary to take care, that all the increased capital stock belonging to the Company, which, after the proposed distribution is made, shall remain undisposed of, be divided among all the proprietors of the said Company, in proportion to their several and respective interests.

"These Resolutions, if passed into a law, and duly put in execution, we humbly hope, will tend very much to the re-establishing of public credit; to the quieting of the minds of your majesty's subjects; and contribute to the ease and relief of great numbers, though not sufficient to give satisfaction to, or repair the losses of, all that are unhappily involved in the present calamity.

"But as the ancient usage, and established rules, of parliament, make it impracticable for us to prepare bills for the royal assent, during the present session of parliament, for some of the purposes contained in our Resolutions; we have humbly presumed to lay the same before your majesty, for your royal consideration; not doubting but that your majesty will, out of your great wisdom, and accustomed grace and goodness to your people, as soon as the public and private bills, now depending in parliament, shall be dispatched, give us an early opportunity of perfecting this great and necessary work."

The King's Answer.] To the above Address his majesty returned this Answer:

"Gentlemen;

"I have such an intire confidence in this parliament's duty and affection to me, and their zeal for the public service, that I shall very readily comply with what you desire; and will soon give you an opportunity of doing what you propose for settling and establishing the credit and quiet of the kingdom."

The Speaker's Speech to the King on presenting the Civil List Bill.] July 29 The King came to the House of Peers, and the Commons attending, their Speaker, upon presenting the Civil List Bill to his majesty, made the following Speech:

"Most Gracious Sovereign,

"Your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, being sensible of the great debt upon the Civil List, occasioned by the calamity of the times, which has disabled the two companies of assurance to make good the money which they had stipulated to pay to the crown, which, if it had been insisted on, would have occasioned the ruin of many families, and would consequently have been a great obstruction to trade; and your majesty having always had so much goodness, as rather to wave your own right, than to exact it, to the prejudice of your faithful subjects; we have, therefore, to make good that loss given your majesty, and we humbly pray that your majesty would be graciously pleased to accept of, six-pence in the pound, to be paid out of the Civil List, from your faithful Commons, who will be always ready to support your majesty and your government."

After which the Royal Assent was given to an Act, 'For raising money upon the estates 'of the late Sub-Governor, Deputy-Governor, 'Directors, Cashier, Deputy-Cashier, and Accomptant of the South-Sea Company, and of 'John Aislabie, esq and likewise of James 'Craggs, sen esq. deceased, towards making 'good the great loss and damage sustained by 'the said Company; and for disabling such of 'the said persons as are living, to hold any 'office or place of trust under the crown, or to 'sit or vote in parliament for the future; and 'for other purposes in the said Act expressed,' and to five other Bills And then the Lord Chancellor prorogued the parliament to the 31st.

The King's Speech on the State of the Public Credit.] July 31 The King came to the House of Peers, when the Lord Chancellor, by his majesty's command, delivered the following Speech to both Houses:

"My Lords and Gentlemen,

"The occasion of my calling you together again so suddenly, is to give you an opportunity of resuming the consideration of the State of Public Credit.

"Gentlemen of the House of Commons,

"The progress that you made in this affair during the last session, laid such a foundation of this necessary work, that the world is fully apprised of what is reasonably to be hoped for at this present conjuncture.

"My Lords and Gentlemen,

"I must recommend to you all possible dispatch, and am persuaded that at this season of the year, your deliberation will be confined to what is absolutely necessary upon this extraordinary occasion."

Resolutions of the Commons for re-establishing of Public Credit.] The Commons being returned to their House, immediately resolved themselves into a grand committee, to take his

majesty's Speech into consideration, and came to several Resolutions, which were reported the next day, and agreed to by the House, as follow, viz.

"1. That for the re-establishing of Public Credit, relief be given to the South Sea Company with regard to the payment of 4,156,000*l.* 4*s.* 11*d.* and the 4½ years purchase, and one year's purchase, upon several annuities, and other national debts, the said Company giving such consideration to the public, and such further relief to the several proprietors, and persons concerned in interest with the said Company, as this House shall think proper.

"2. That for the re-establishing of Public Credit, and quieting the minds of his majesty's subjects, the several properties and interests now depending, and concerned with the South Sea Company, be ascertained and settled.

"3. That in order to put an end to all disputes between the South Sea Company, and the proprietors of the redeemable funds subscribed into the said Company, and for the further relief of the said proprietors, and the proprietors of the second, third and fourth money-subscriptions, who have now stock allowed them, at the rate of 400*l.* per cent. with the last Midsummer dividend of ten per cent. in stock, an addition after the rate of 33*l.* 6*s.* 8*d.* stock, upon every 100*l.* stock, already allowed, be given by the South Sea Company to the proprietors of the said redeemable funds, and to the proprietors of the second, third, and fourth money-subscriptions.

"4. That the sum of 4,156,341*l.* with the 4½ years and one year's purchase, payable to the public by the South Sea Company, be remitted, so as from the 24th of June, 1722, two millions of the capital stock of the said Company be reduced and annihilated, and a proportionable part of their annuity or yearly fund, in respect to the said two millions, from that time cease.

"5. That the second subscription of the irredeemables, as well the long annuities, as the annuities of nine per cent. prize lottery tickets, and blank lottery tickets, be made equal to the first subscription of the like annuities and tickets, by an addition of stock at 150*l.* per cent.

"6. That all the capital South Sea stock belonging to the Company in their own right, which, after the proposed distribution made, shall remain undisposed of, be divided among all the proprietors of the said Company, in proportion to their several and respective interests therein; and that credit be given them for the same in the books of the said Company.

"7. That such persons as have borrowed money from the South Sea Company upon South Sea stock, actually transferred and pledged at the time of borrowing to, or for the use of the said Company, shall, upon payment of ten per cent. upon the respective sums so borrowed, at a time or times to be limited, and not otherwise, be discharged from all further demands in respect of the monies so borrowed; and that all the stock so transferred and pledged, together with all dividends and profits thereto belonging respectively, be absolutely vested in the said Company.

"8. That such persons as have borrowed money from the South Sea Company, upon subscription receipts actually pledged to the said Company at the time of borrowing; shall, upon payment of ten per cent. upon the respective sums so borrowed, at a time or times to be limited, and not otherwise, be discharged from all further demands in respect of the money so borrowed; and that all the subscription-receipts so pledged, together with all dividends and profits thereunto belonging, be absolutely vested in the said Company.

"9. That all contracts for the sale or purchase of subscriptions, or stock of the South Sea Company, or any other company or corporation, or pretended company or corporation, which shall be unperformed or not compounded, on or before the 29th day of September next, be entered in books to be kept for that purpose, by the respective companies or corporations, before the first of November next, or else to be void, and that such entries shall express for whose use and benefit such contracts were made.

"10. That no special bail be required in any action brought or to be brought, upon any contract made since the 1st of Dec. 1719, and before the 1st of Dec. 1720, for the sale or purchase of any subscription, or stock of the South Sea Company, or any other company or corporation, or pretended company or corporation.

"11. That no execution be awarded upon any judgment obtained, or to be obtained in any action brought, or to be brought upon any contract, for the sale or purchase of any subscription, or stock of the South Sea Company, or any other company or corporation, or pretended company or corporation, until the end of the session of parliament, which shall be next after the 29th of September next.

"12. That all the contracts for the sale or purchase of any subscription, or stock of the South Sea Company, or any other company or corporation, which shall be unperformed or not compounded, on or before the 29th of September next, where the seller, or the person on whose behalf such contract was made, was not at the time of such contract, or within a time to be limited, actually possessed of or intitled to such subscription or stock, shall be declared null and void."

A Bill for restoring the Public Credit, brought in.] A Bill being ordered to be brought in upon the said Resolutions, the same was presented accordingly, the next day, by Mr. Lowndes, with the title of, 'A bill for making 'several provisions to restore the Public Credit, which suffers by the Frauds and Mismo-

'nagements of the late South Sea Directors 'and others.' This bill was read tha first time, and ordered to be read a second time the next morning.

A tumultuous Concourse of the Annuitants assemble in the Lobby of the House of Commons.] In the mean time, there appeared in the Lobby of the House of Commons, and in the places adjacent, several hundreds of the proprietors of the Short Annuities, and other redeemable public debts, of both sexes, who demanded justice of the members as they went into the House, and put into their hands a Paper with these written words, 'Pray do justice to 'the Annuitants, who lent their money on 'Parliamentary Security.'* The multitude were particularly rude to Mr. Comptroller, tearing part of his coat as he passed by. Upon which the House being informed, that a crowd of people were got together in a tumultuous and riotous manner, in the lobby and passages to this House, it was ordered, "That the Justices of Peace for the city of Westminster, do immediately attend this House, and bring the constables with them."

Debate on the Petition of the Annuitants.] In the mean time, sir John Ward presented to the House a Petition and Representation of the Proprietors of the Redeemable Funds, on behalf of themselves, and all others, pretended to be taken into the South-Sea Company, setting forth, "That they had lent their money upon

* The following printed Letter was also delivered to the members as they entered the House:

A LETTER to a MEMBER of PARLIAMENT; wherein the Unreasonableness and Improbability of binding down the Redeemables, is fully demonstrated.

"Sir;

"The great question debated among us without doors, is, whether the parliament will bind down the redeemables absolutely to the price of 300*l.* and, in consideration of this reduction, deprive them of the right they have to contest the validity of their subscription at law? I shall give you my reasons for the negative part of this question, in as few words as I can.

"But before I mention them, I will just take notice by the way, that the reduction to 300*l.* is such an one, as the redeemables will never voluntarily accept of. For it not only bears no proportion to the favour or relief which is intended towards the rest of the unhappy sufferers by this scheme, but carries along with it the ruin and destruction of these proprietors and their families, and will certainly introduce a new scene of misery and poverty.

"The redeemables have reason to think themselves intitled to as much favour as any others. They are part of the ancient creditors of the government. The honour and justice of the government was engaged for the just payment of their debts, and even the South-Sea Act itself no otherwise enabled the Company to take in their debts, than with regard to justice and public faith.

"But it is universally admitted, that though their debts should prove to have been taken in, according to the strict letter of that law (which is now the point in controversy;) yet, it is certain, the Company have not acted with regard to justice and public faith, in the manner of taking them in; and therefore, to be sure, they are as much intitled to the favourable relief of the parliament, as the members of that Company, which have cheated them.

"As to the money subscribers; admitting that they also have been abused and deluded by the Company, yet still they have no plea for favour which may not be urged with much greater strength in behalf of the redeemables; I mean, with relation to the government. For the money subscribers engaged on their own heads voluntarily, and, I may say, wantonly too: they had no occasion to engage with the Company at all; but the redeemables came in under the persuasion, and by invitation of an act of parliament. So that the first of these had only the faith of the Company to depend upon; the others had the faith of the Company and parliament too. The money subscribers engaged with a view to the advantages which might arise and be made from a subsequent contract with the government-creditors; but the redeemables were brought in by the advantages arising from an actual contract made between the Company and the money-subscribers. And would it not be very strange, if it should prove more prudent to have trusted the Company alone, than to have relied on the faith of the Company and that of the parliament added to it? Or more advantageous to have made a bargain for a future contingency, than for a reality?

"I own, there is somewhat of obligation which arises from placing a confidence in another, and such merit the money-subscribers may claim, with regard to the Company; but what superior merit they can pretend to with regard to the parliament, is a secret. Sure I am, they can never plead a greater merit towards the government, than the government-creditors themselves.

"With regard to the Company, the money subscribers plead the merit of having drawn in others. And for this signal piece of service, the Company might reasonably enough treat them with distinguishing marks of favour, and think themselves obliged to take care, that they should not be greater losers, than those who had been decoyed by them. But how this way of reasoning should influence the parliament, is not to be explained or understood, unless it should be also affirmed, that it was an acceptable service to the parliament, to have their creditors cheated.

"No man in his senses can doubt, but that

parliamentary security; that having been unwarily drawn in to subscribe their effects into the South Sea Company, by the artifices of the late Directors, the honourable House of Commons, in February, had thought fit to leave the validity, or invalidity of their subscriptions, to be determined by the common law. But being informed, that by the Bill now depending, they were tied down to take South-Sea stock at 300*l.* they therefore prayed that they might be heard

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the releasing the money subscribers from all their subsequent payments, and allowing them stock at the rate of 300*l.* per cent. for what has been actually paid in, is a much greater relief to the money-subscribers, than the reducing the redeemables to 300*l.* is to them.

"The second money-subscribers contracted to pay 400*l.* and the third and fourth 1,000*l.* for 100*l* South Sea Stock, but were afterwards reduced to 400*l* They of the second subscription paid down 80*l.* the third 100*l.* and the fourth 200*l.* in part of their contract. Now, supposing South-Sea stock to be capable of being made worth 150*l.* per cent (which, I believe all the art of man can never make it intrinsically worth) and you may easily see the great disproportion there is between the redeemables, and the worst of the money subscribers.

"The fourth money-subscriber, out of his money which he contracted to pay for 100*l.* stock is to retain 200*l.* in his pocket, to have stock at the rate of 300*l.* per cent. for the other 300*l.* viz. 75*l.* 6*s.* 8*d.* which, at 150*l.* per cent. makes 110*l* so that he loses, upon the whole of his contract, 90*l.* But the redeemable subscriber, has paid down all his 400*l.* according to his supposed contract, and is not to have one farthing remitted to him; but to take stock at the rate of 300*l.* for the whole, viz. 146*l.* 13*s* 4*d.* value 220*l.* So that upon the whole of his bargain, he is to lose 180*l.* Let any man judge now, whether this is equal If the people must be made to believe, that this division of loss between the money subscribers and redeemables, is equal, it must be made appear, that 180*l.* is no more than 90*l.*

"As to the irredeemables, who are the other part of the government creditors; though it is certain, that they also have been greatly abused by the Company, by having been taken in at an extravagant high price; yet the number of years purchase allowed to them, greatly takes off from the extravagancy of the price at which they were taken in, and reduces their loss to a much lower proportion than that of the redeemables; as may be seen by every calculation which has been made of this subject.

"But perhaps you will say, as I have often heard it said, That if the redeemables are bound in law, they are intitled to no relief: but ought to be thankful for any, and consequently for their reduction to 300*l.*

"To this I answer, that the reduction to 300*l* is so far from being a relief to the redeemables, that it had been much better for them to have stood at 400*l.* provided all the rest of the contractors were obliged to stand to their contracts. And surely, this is nothing but justice; for it is certain, the contracts made by them were as binding and firm, as that which is pretended to have been made by the redeemables. And if so, what sort of favour is this, that is shewn to the redeemables, when the reduction proposed, being accompanied by a much more favourable reduction to every one else, really puts them in a worse condition, than if there had been no reduction at all?

"Is this a favour which will induce the redeemables to part with a legal right of controverting their subscription? A controversy wherein they have all the reason in the world to hope for success, and which, if it is determined in their favour, will discharge their whole estates, and deliver them intirely from the jaws of their greedy oppressors.

"No, Sir, You may depend upon it, the redeemables are not so very silly as this comes to. They know their interest better than to close on such unequal terms Nothing but force will ever prevail upon them to acquiesce under such conditions.

"And now I come to the business I first proposed, viz To offer you my reasons for believing that this parliament will not force them to accept of these terms. For,

"If the Parliament should bind down the redeemables absolutely to the terms of 300*l.* without suffering them to contest the validity of their subscription, the parliament must be supposed to know either that the pretended subscription is binding in law, and such as they cannot get loose from; or else, must resolve to piece out the legality of that subscription by the interposition of mere power.

"That the parliament know the pretended subscription is binding in law, is what any man may safely deny: nay, so far are they from knowing this, that it does not appear, that they have ever yet made an inquiry after those necessary facts, upon which only such a knowledge can be founded.

"The parliament has been told indeed, that 13,985,425*l* of the redeemables have been taken into the South-Sea Stock. This has been represented to them, as they say, in the late ingrafting act. But, by whom were they told this? Why, by the late directors, men who were not only interested in the question, but such as the parliament knows to be knaves, and whose estates they are now confiscating for their knaveries.

"By a former act passed in this sessions, the parliament, upon a view of these mens conduct in other respects, declared, that under pretence of the South-Sea Act, they had contrived and carried on many fraudulent and indirect practices, contrary to the intention of the said Act: and upon this account, as it was very natural, the parliament suspended their belief concerning the legality of taking in the

by themselves, or their counsel, against the said bill."

After the reading of this Petition, the same was ordered to lie on the table, and then the "Bill to restore Public Credit," &c. was read the second time, and committed to a Committee of the whole House. This done,

Sir *John Ward* stood up, and spoke in favour of the petitioners, urging the justice of hearing them, either by themselves, or their counsel, in

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Redeemables; justly suspecting, that those men who had acted contrary to the intention of that act in some respects might also have acted contrary to it in others: they very wisely, therefore, resolved to leave the redeemables to the law to try this point; and have provided, by a clause in the said ingrafting act, that if the redeemables obtain a decree or judgment to their favour, that in such case, they shall not be esteemed members of the South-Sea, or any other company, on account of such subscriptions.

"Now can any man, after all this, be so absurd as to think, that what the parliament refused to do in February, they will do in July? Do not all the reasons that were alledged against binding down the redeemables, hold as strong now, as they did few months ago? And can it be imagined, that the same parliament which came to a resolution not to interpose in this matter, when no suits were actually commenced, should all on a sudden resolve to interpose now they are, and thereby deprive the redeemables of those hopes which they themselves encouraged, and which the redeemables have prosecuted with so much trouble and expence? What is this but making the parliament to speak like the oracles of old, or rather more fallaciously, to tell the redeemables, they would leave them the free use of the laws, provided they would not make use of them?

"Had not self-interest blinded men to the greatest degree in the world, they would never desire that the parliament should in any case suspend the regular administration of justice, and interrupt the common course of the laws. This is a thing every true Englishman ought rather to pray against, and be exceeding jealous and fearful of. It is opening a wide gap in our constitution. Hitherto it has been looked upon, that the interpretation and execution of laws when made, did as properly belong to Westminster-Hall, as the making them to the parliament: and the alteration of such a fundamental, whatever particular jobs it may serve at present, cannot but be attended with very fatal consequences, if not with the dissolution of this ancient and free government.

"But to suppose, that the parliament should take so extraordinary, unprecedented, unparliamentary a step, to tie up man from the free use of the law, only in order to oppress their own innocent creditors, and to piece out the legality of a most unrighteous and barbarous contract; at the best, is to suppose a parliament speaking in this wise. Whereas it may be doubted, whether the wicked artifices used by the late South-Sea Directors, to cheat and defraud the redeemables, are sufficient in law for that purpose; and the proprietors of those debts have commenced suits in the ordinary course of justice to vindicate themselves from the said intended oppression, and may thereby happily free themselves from the same; therefore be it enacted, That all such suits shall cease: and be it declared, that the said redeemables are cheated, and shall be cheated effectually, and without retrieve? and the estates whereof they are, by the authority of this present parliament, declared to be cheated, shall be distributed for the benefit of those who have contrived, promoted and assisted in carrying on the said cheat.

"This, Sir, I can assure you, is the true English of what some among us, without doors, would have the parliament say: but, I am persuaded, they never will say it: such notions as these, can be entertained by none but such as are enemies to the honour and justice of a British parliament.

"If you ask these sort of men, Why the parliament should interpose to bind up the laws which they never did before; They immediately answer you, that the exigency of affairs requires it. If the South-Sea Company, say they, is liable to law-suits, public credit can never be established.

"If by public credit these men mean what they ought to mean, the credit of the government and community; there cannot be a more senseless proposition than this: for the credit of the government must, in the nature of the thing, be founded on the supposed honesty and justice of the government; on its disposition to support and maintain the legal rights of its creditors.

"Men must willingly trust those, for whose faith and honesty they have the best security. Take away any part of that security which the creditor has for the re-payment of his debt, and you necessarily lessen your own credit, as well as his security: take away the law, which is both the measure and security of all property, and no man will ever part with his money out of his own possession, because he has no way left to recover it but by force: let it be but once determined, that there is no law against a Company, that whatever they get possession of, though never so illegally, they shall hold and retain, and none but fools will trust such a Company for the future.

"But the truth is, that these men by public credit and the establishment of it, mean nothing else but the raising the value of South-Sea Stock, and measure the increase of credit only by the present increase of their own estates; whether by wrong or right, is no part of their concern, and because it is for their present interest, that the redeemables should continue part of the South-Sea Stock, and a law-suit between the Company and them, may, in all human probability, disappoint their hopes, and

order to their being relieved, and he was seconded by sir Gilbert Heathcote. Hereupon

Mr. *Robert Walpole* said, He did not see how the petitioners could be relieved; that the Resolutions, pursuant to which this bill was brought in, had been laid before, and approved by the king and council, and had also been agreed to by a great majority of the House before the last short prorogation, and that they had given their word of honour to the members that were gone into the country, that they would not alter a tittle in them; and as he could not see any thing that could be done for the petitioners, he therefore moved for adjourning the debate, and desired that that question might be put as a previous one. This was opposed by

Mr. *Broderick*, who said, He wondered what that gentleman meant by desiring to have such a question put, before the question for taking the Petition into consideration; which, he thought, would look as if they could not answer the allegations contained in the said Petition; and therefore he moved that they might go upon the debate of it. He was seconded by Samuel Sandys, esq. who spoke strenuously in favour of the petitioners; but the court party insisting upon Mr. Walpole's motion, the question for adjourning was put, and carried by a majority of 78 voices against 29

By this time four of the Justices of the Peace for the city of Westminster attending, according to order, they were called in, and being at the bar, Mr. Speaker acquainted them, That the House was informed that there was a great crowd of riotous people in the lobby and passages leading to this House, and that he was commanded by the House to direct them, the said Justices, to go and disperse the said riotous crowd, and to take care to prevent the like riots for the future. Hereupon the four Justices, attended by five or six constables, desired the petitioners to clear the lobby and passages; and upon their refusal, caused the Proclamation against Rioters to be twice read, declaring to them, that if they continued there till the third reading, they should incur the penalties of the act. Hereupon they thought fit to disperse; but as they went away, could not forbear venting their resentments, some saying, 'That they came as peaceable subjects and 'citizens, to represent their grievances, and did 'not expect to be used like a mob, and 'scoundrels;' and the rudest telling the members, 'You first pick our pockets, and then 'send us to gaol for complaining.'

The Bill for restoring the Public Credit passed.] Aug. 4. The Commons, in a Committee of the whole House, considered of the 'Bill to restore Public Credit;' and the first question that occasioned any debate was, at what price the subscribers upon the second subscription should be obliged to take South-Sea stock? Some were for 263*l.* and others for 203*l.* and after several speeches (by Mr Horatio Walpole, Mr Yonge, Mr. Robert Walpole, Mr. Sloper, Mr. Broderick, Mr. Lowndes, Mr. Lowther, Mr. Harsley, Mr. Milner, and sir John Eyles) it was agreed without dividing, that the said subscribers should take stock at 203*l.*

The next question was, whether brokers, or such as had acted as brokers for brokeridge, who had borrowed money of the South-Sea Company upon stock, or subscription-receipts, should, like the other borrowers, be discharged from all farther demands, by paying to the cashier of the said Company ten per cent. of the money borrowed? But after some debate, it was carried by 62 votes against 42, that the said brokers should be excepted, and a clause was added to the bill, to oblige them to pay the whole money borrowed.

After this sir Thomas Crosse declared, that upon looking over the South-Sea books, he found that many of the borrowers had not given any security for the money borrowed, for three months, or thereabouts, after the money lent; upon which the question was put, and carried without a division, that all those who had borrowed money of the Company, and had not given security, by transferring stock, or subscription receipts, fourteen days after the money

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evince the contrary; therefore, they desire the course of the law should be stopped. Hence arises this fear of the law and law-suits: the law is an enemy to villany and oppression. But what these men call public credit, is, it seems only to be supported by them, and consequently must be built on the destruction of the law, their opposite

"But though it should be granted these men, that self-interest is the sole principle of action in a wise man (and many such moralists or wise men you may meet with in every coffee-house) yet if, according to the Poet's definition of wisdom, 'Istuc est sapere, non quod ante pedes 'modo est videre, sed etiam illa quæ futura sunt 'prospicere,' it will then appear, that they are very silly fellows, and little consider their own true interest, when they are desiring, that the laws, and benefit of them, should be suspended and taken from any of their fellow subjects. For when the precedent of suspending the law is once introduced, whose turn it may be to suffer next, no man knows. These men, for the sake of an immediate advantage, would rejoice, it seems, in an act of parliament which should distress their brethren, and destroy their property; but, I am satisfied, such rejoicing would not last long, the pleasure, as it is a barbarous one, would also be a short-lived one. For the same means which are made use of to plunder these men to day may be made use of to plunder them to morrow. And if we should be so unhappy to fall into the hands of such a parliament as these men wish for; a parliament of the same narrow and self-interested principles with themselves, this one precedent would be alledged in justification of a General Search."

lent, should be obliged to pay the whole money. Several other amendments were made to the bill, which being reported the next day to the House by Mr. Farrer, some of them were agreed to; but when they came to that relating to the brokers, the same occasioned a considerable debate. Mr. Robert Walpole among the rest expressed his apprehensions, that obliging the brokers to repay the whole money they had borrowed, might rather be detrimental, than advantageous to public credit, and occasion the fall of the South-Sea stock, which was now upon the rise; and that the brokers, to excuse themselves, might probably accuse others, which would afford fresh matter of complaint and dispute, therefore he moved that the said clause be left out of the bill. He was answered by general Ross and Mr. Sloper; but upon the question being put, it was carried by a great majority, that the brokers should only be excepted from the clause relating to the borrowers, that is to say, that they should not be obliged to repay the whole money by them borrowed; nor yet be discharged from further demands, by paying ten per cent. of the money borrowed, but be left either to compound with the South-Sea Company, or to be sued at common law. The other amendment, relating to the borrowers, who had not transferred their stock, or subscription-receipts in due time, was also left out of the bill.

Aug. 7 The said Bill was read the third time, passed, and sent up to the Lords; after which, the Commons adjourned to the 10th, on which day the Bill was passed by the Lords, and received the Royal Assent.

The King's Speech at the Close of the Session.] August 10. The King came to the House of Peers, and the Commons being sent for up, and attending, the Lord Chancellor, by his majesty's command, read the following Speech to both Houses:

"My Lords and Gentlemen;

"I am glad that the business of this and the former session is at length brought to such a period, that I have now an opportunity of giving you some recess, after the great pains you have taken in the service of the public.

"The common calamity, occasioned by the wicked execution of the South-Sea scheme, was become so very great before your meeting, that the providing proper remedies for it was very difficult. But it is a great comfort to me, to observe, that Public Credit now begins to recover; which gives me the greatest hopes that it will be entirely restored, when all the provisions you have made for that end, shall be duly put in execution.

"I have great compassion for the sufferings of the innocent, and a just indignation against the guilty; and have readily given my assent to such bills as you have presented to me, for punishing the authors of our late misfortunes, and for obtaining the restitution and satisfaction due to those who have been injured by them, in such manner as you judged proper. I was at the same time, willing and desirous, by my free and general pardon, to give ease and quiet to the rest of my subjects, many of whom may, in such a general infatuation, have been unwarily drawn in to transgress the laws.

"Gentlemen of the House of Commons,

"I return you my hearty thanks for the supplies you have granted for the current service of this year; and particularly for your enabling me to discharge the debts and arrears on the Civil List, and to make good the engagements I was under for procuring peace in the North, which in all probability, will now very soon be concluded. These instances of your faithful endeavours to support the honour and dignity of the crown, at home and abroad, are fresh marks of your zeal and affection to my person and government.

"My Lords and Gentlemen;

"I take this opportunity of acquainting you, that we have renewed all our treaties of commerce with Spain, upon the same foot as they were settled before the late war; which must necessarily prove an immediate and valuable advantage to the trade and manufactures of this kingdom.

"I earnestly recommend to you all, in your several stations, to suppress profaneness and immorality, and to preserve the peace and quiet of the kingdom.

"You are all sensible, that the discontents occasioned by the great losses that many of my subjects have sustained, have been industriously raised and inflamed by malicious and seditious libels; but I make no doubt, but that, by your prudent conduct in your several countries, all the enemies of my government, who flattered themselves they should be able to take advantage from our misfortunes, and blow up the sufferings of my people into popular discontent and disaffection, will be disappointed in their wicked designs and expectations."

And then the Lord Chancellor prorogued the Parliament to the 19th day of October.

SEVENTH AND LAST SESSION OF THE FIFTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] October 19. The Parliament being met, the King came to the House of Peers, and the Commons attending, his Majesty, by the mouth of the Lord High Chancellor, made the following Speech to both Houses:

"My Lords and Gentlemen;

"I acquainted you, when we parted last, with our having renewed all our Treaties of Commerce with Spain; since which, peace is happily restored in the North, by the conclusion of the treaty between the Czar and the king of Sweden; and by that which I have made with the Moors, a great number of my subjects are delivered from slavery, and all such of them as made to those parts of the

world, are, for the future, secured from falling under that dreadful calamity.

"In this situation of affairs we should be extremely wanting to ourselves, if we neglected to improve the favourable opportunity, which this general tranquillity gives us, of extending our commerce, upon which the riches and grandeur of this nation chiefly depend. It is very obvious, that nothing would more conduce to the obtaining so public a good, than to make the exportation of our own manufactures, and the importation of the commodities used in the manufacturing of them, as practicable and easy as may be; by this means, the balance of trade may be preserved in our favour, our navigation increased, and greater numbers of our poor employed.

"I must therefore recommend it to you, Gentlemen of the House of Commons, to consider how far the Duties upon these branches may be taken off, and replaced, without any violation of public faith, or laying any new burthen upon my people. And I promise myself, that by a due consideration of this matter, the produce of those duties, compared with the infinite advantages that will accrue to the kingdom by their being taken off, will be found so inconsiderable, as to leave little room for any difficulties or objections.

"The supplying ourselves with Naval Stores, upon terms the most easy and least precarious, seems highly to deserve the care and attention of parliament. Our Plantations in America naturally abound with most of the proper materials for this necessary and essential part of war trade and maritime strength; and if, by due encouragement, we could be furnished from thence with those naval stores, which we are now obliged to purchase, and bring from foreign countries, it would not only greatly contribute to the riches, influence, and power of this nation, but, by employing our own colonies in this useful and advantageous service, divert them from setting up, and carrying on manufactures which directly interfere with those of Great-Britain.

"Gentlemen of the House of Commons;

"It will be a great pleasure to me, if, in raising the Supplies of this year, it may be so ordered, that my people may reap some immediate benefit from the present circumstances of affairs abroad. I have ordered Estimates to be prepared for the service of the ensuing year, and likewise an Account of the Debts of the Navy, to be laid before you. You cannot but be sensible of the ill consequences that arise from such a large debt remaining unprovided for; and that as long as the Navy and Victualling Bills are at a very high discount, they do not only affect all other public credit, but greatly increase the charge and expence of the current service. It is therefore very much to be wished, that you could find a method of discharging this part of the National Debt, which, of all others, is the most heavy and burthensome, and by that means have it in your power to ease your country of some part of the Taxes, which from an absolute necessity, they have been obliged to pay.

"My Lords and Gentlemen;

"The unspeakable misery and desolation that has of late raged in some parts of Europe [a], cannot but be a sufficient warning to us, to use all possible precautions to prevent the contagion from being brought in among us: or if these kingdoms should be visited with such a fatal calamity, to be in a condition, with the blessing of God, to stop its further progress. And us all other provisions will be altogether vain and fruitless, if the abominable practice of running of goods be not, at once, totally suppressed, I most earnestly recommend to you, to let no other consideration stand in competition with a due care of preserving so many thousand lives.

"The several affairs which I have mentioned to you, being of the highest and most immediate concern to the whole kingdom, I doubt not but you will enter into the consideration of them with that temper, unanimity, and dispatch, that the necessity and importance of them require."

The Lords' Address of Thanks.] The Lords, on the motion of lord Teynham, agreed to the following Address:

"Most Gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in parliament assembled, beg leave to return your majesty our most hearty Thanks for your majesty's most gracious Speech from the throne; and for the great compassion you have shewn to such of your subjects, as have had the misfortune to fall into the hands of the Moors. And we do at the same time congratulate your majesty, upon the success of your endeavours for restoring the general tranquillity of Europe. And we assure your majesty, That, as the several particulars you have been pleased to mention to us, are instances of the greatest affection to your people, and the tenderest concern for their interest and security, so we will on our part consider, with all temper, unanimity, and dispatch, what your majesty has been pleased to lay before us, and will do all in our power towards attaining the great and good ends, which your majesty has so gracio-

[a] "The plague raged this year in the southern parts of France, particularly at Marseilles. On this occasion a proclamation was published, forbidding any person to come into England from any part of France, between the bay of Biscay and Dunkirk, without certificates of health. The streets were ordered to be paved and kept clean; and an act of parliament passed the last session for prevention of infection, by building of pest-houses, to which the infected persons, or healthy of an infected family, were to be removed, and by ordering trenches or lines to be drawn round any city, town or place infected." Tindal.

ously recommended to us, in favour of the trade, ease and safety of your people."

The King's Answer.] To this the King made the following Answer:

"My Lords;

"I thank you for this loyal and dutiful Address. The zeal you express for my person and government, and for the interest and happiness of my people, gives me great satisfaction."

The Commons' Address of Thanks.] The Commons being returned to their House, sir George Oxenden moved for an Address of Thanks, which was unanimously agreed to.

October 20. Sir George Oxenden, chairman of the Committee appointed to drew up the said Address, reported the same to the House, and upon the Speaker's putting the question, Whether this should pass as the Address of the House? Mr. Arthur Moore said, He thought the expressions relating to the preventing running of goods were too general; and that, in his opinion, the best way to prevent that pernicious practice, was to take off some of the high duties, whereby the temptation to smuggling would very much abate; since people would not think it worth their while to run great hazards for a small gain. And besides, if the duties were lessened, the importation, in all probability, would increase proportionably; so that the customs might amount to as much, with a smaller duty, as they do at present; and if they did not, ways might be found to make up the deficiency to the crown. Nothing of moment was offered against the Speech; but, the House not thinking it proper to enter then upon the consideration of that matter, the Address, as it had been drawn up, was approved, and the next day presented to the King by the whole House, as follows:

"Most gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great-Britain in parliament assembled, beg leave to return your majesty our unfeigned Thanks for your most gracious Speech from the throne.

"We congratulate your majesty upon the success that has attended your unwearied application for restoring tranquility to Europe, for securing our commerce by treaties, and for releasing great numbers of your subjects from slavery among the Moors, and for delivering the trading part of the nation from the apprehensions of the like calamity for the future; which are so many instances of your majesty's goodness, in which all your subjects are so nearly concerned, that we are no less bound by interest, than led by inclination and duty, most thankfully to acknowledge these happy effects of your majesty's care for your people.

"Your majesty's recommending to us to improve the general tranquility abroad, towards extending and enlarging our commerce, is an additional proof, how much your majesty has the real interest of Great-Britain at heart, in all your counsels and undertakings.

"Your Commons are thoroughly sensible that our poor cannot be sufficiently employed, nor the balance of trade be long preserved in our favour, while such duties are continued, as either clog the exportation of our own manufactures, or render the manufacturing of them at home less easy and practicable; and they will most cheerfully apply themselves to consider how far such duties can be taken off and replaced without laying any new burthen on your people, or violating the public faith; having great reason to promise themselves, that the free circulation of trade, which must naturally succeed upon the taking off this pressure, will, in a short space of time, compensate any diminution of the customs, which this alteration may occasion for the present.

"And since the trade, navigation, and safety of this nation must remain, in some measure, precarious, as long as we are under the necessity of purchasing and importing all our naval stores from foreign countries, your majesty's most faithful Commons will do their utmost endeavours, that this important and beneficial branch of trade may be supplied from your majesty's plantations in America, and thereby divert our colonies from setting up manufactures, which directly interfere with those of their mother-country.

"Your majesty's tender concern to have the Supplies of this session so ordered, that your subjects may be among the earliest in reaping the happy effects of the general tranquility abroad, cannot fail of exciting in your faithful Commons a desire of making suitable returns, by proceeding, with all alacrity, to grant the necessary Supplies for the current service of the year, and for discharging the heavy Debt of the Navy: And we find ourselves engaged, by all the ties of duty and interest, to second your majesty's provident intentions, for suppressing the infamous and pernicious practice of running goods; which, besides that it defrauds the public revenues and discourages the honest trader, may, at this juncture, endanger the health and lives of many thousands of your majesty's innocent subjects.

"The several points which your majesty has been graciously pleased to recommend to us, carry in them such evident marks of your majesty's paternal and most affectionate concern for your people, and are of such lasting consequence to the welfare and safety of this nation, that we should be inexcusable, if we did not, by a ready concurrence on our parts, do all in our power to render these your majesty's most gracious purposes effectual; and proceed in the consideration of them with such temper, unanimity, and dispatch, as may fully answer your majesty's expectations, and defeat the designs of those who hope for any other contentions amongst us, but of zeal and affection towards your majesty's sacred person and government."

The King's Answer.] To which the King gave this Answer:

"Gentlemen;

"I return you my thanks for this dutiful and

loyal Address, and for the assurances you give me of going through the weighty affairs now before you with unanimity and dispatch, and I promise myself, from your experienced zeal and application, that my good wishes for the welfare and prosperity of my people, will be rendered effectual."

Debate in the Commons on the Supply.] October 27. The Commons, in a grand committee, considered of the Supply to be granted to his majesty; and, in the first place, went upon the State of the Debt of the Navy, as it stood on the 30th of September 1721, which amounted to about 1,700,000*l.* Hereupon

Mr. *Freeman* stood up, and with some warmth animadverted upon the persons concerned in that part of the administration, saying, among other things, It was matter of wonder, how so great a debt could be incurred, when the parliament had provided for what had been desired upon that head. He was seconded by

Mr. *Shippen*, who hinted, That such extraordinary expences could not be for the immediate service of Great-Britain, but in all probability, for the preservation of some foreign acquisitions

Mr. *Plummer* answered them both in a very smart speech. Upon which

Sir *Joseph Jekyll* said, That he was not against providing for any just public debt; but that, in his opinion, they could not answer it, either to themselves, or those they had the honour to represent, if they gave away the nation's money blindfold; and therefore he desired, that the House might be informed, how so great a debt had been contracted? To this

Mr. *R. Walpole* replied, Nothing in the world was more reasonable; and therefore he backed the motion for having a particular Account of that Debt laid before the House; but, in the mean time, he might assure them, that near 1,100,000*l.* of it was contracted in the last reign, and as the persons now in the administration, were not answerable for that part, neither did they desire that above one million of it should be this year provided for

Hereupon the question being put, "That one million be granted towards paying off the Debt of the Navy," it was carried without dividing. Then the Speaker having resumed the chair, it was resolved, according to sir Joseph Jekyll's motion, to address his majesty "for an Account of all money granted by parliament for the service of the Navy, from the 1st of January 1710; and how far the said money has been issued for that purpose, and what the excess of the expence above the provision made by parliament has every year amounted to, and what were the causes of such excess."

Oct. 31 The order of the day being read, for the House to resolve itself into a grand Committee, to consider farther of the supply granted to his majesty, the several Estimates and Accounts relating to the Land-forces, Chelsea-Hospital, and reduced officers, were referred to the said committee: but a motion being made by Mr Treby, that the Speaker do now leave the chair, the same was opposed by

Mr. *Freeman*, who desired that this affair might be put off, at least till the Friday following, urging, That there had not been sufficient time allowed to the members to peruse the several Accounts and Estimates, and, consequently, they were not prepared to give their opinion thereupon. He was seconded by Mr Heysham; but Mr. Yonge answered them both; Mr. Jefferies having replied to Mr Yonge, he was answered by Mr. Treby, the latter by Mr. Shippen, to whom Mr. R. Walpole having replied, the question was, at last, put upon Mr. Treby's motion, and carried in the affirmative by 120 against 40. The House having thereupon resolved itself into a grand Committee, Mr. Farrer in the chair, Mr. Treby moved, That a Supply be granted for the same number of forces as were provided for last year, viz, 14,294 men, including commission and non-commission officers, and 1859 invalids. This was again opposed by Mr Freamon, who alledged, That considering the general tranquility, both at home and abroad, the number of Land-Forces might be reduced, and part of that expence applied to more important uses. but he was answered by Mr. Horatio Walpole; and the question being put, Mr. Treby's motion was, upon a division, carried by a majority of 121 votes against 37.

Debate in the Lords concerning Mr. Law's coming over into England.] October 26. Earl Conningsby represented to their lordships how dangerous it might be, on several accounts, to entertain and countenance such a man as Mr. Law,* and desired that a day might be appointed to take that matter into consideration. Hereupon it was ordered, That the House be called over that day fortnight.

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* " John Law, esq. (one of the early friends and companions of Captain Steele) was memorable for a fatal duel, in 1694, with Beau Wilson; for which he was tried at the Old Bailey; and, being convicted, received a pardon from the crown, but was detained in prison by the relations of Mr Wilson under an appeal. He found means, however to escape: and going to France, became the founder of the famous Missisipi scheme. In 1721 (having pacified the surviving relations of Mr. Wilson with 100,000*l.*) he returned to England, where he continued to reside till he received the mortifying intelligence of the confiscation of his whole property in France; but being conscious of the rectitude of his conduct in the management of the finances, and that the balance would, upon examination, be found considerably in his favour, he had good reason to flatter himself with the hopes of receiving a large sum, especially as the Regent always professed a more than ordinary regard for him, and continued punctually to remit his official salary of 40,000 livres a year. But the death of his royal

November 9. The Lord *North and Grey* moved That a day be appointed to consider of his Majesty's Speech, and proposed the Monday following. Hereupon

The Earl *Coningsby* stood up and said, He

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highness, Dec. 2, 1723, was a fatal blow to the hopes of Mr. Law, who, in a memorial to the duke of Bourbon, dated Oct. 15, 1724, states himself as "bankrupt, not only in France, but also in other countries," and "his children courted by the most considerable families in France, as destitute of fortune and establishment"—"I had in my power," he says "to have settled my daughter in marriage in the first houses in Italy, Germany and England; but I refused all offers of that nature, thinking it inconsistent with my duty to, and my affection for, the state in whose service I had the honour to be engaged." He had a final adieu to Britain in 1725; and fixed his residence at Venice; where he concluded the chequered course of his life, in a state but little removed from indigence, March 21, 1729, in his 58th year"—Steele's Correspondence, vol 2, p. 520, edit. 1809.

The following account of the Mississipi scheme is given by Tindal:

"The South-Sea Scheme seems to be taken from that of the Mississipi Company in France, formed by Mr Law the last year. Mr Law was born at Edinburgh, and had proposed to the parliament of Scotland, in 1703, a scheme for supplying the nation with money, which though favoured by the duke of Argyle, then high-commissioner, and several members of parliament, was however rejected. Upon this he applied himself to the lord-treasurer Harley, and transmitted to him another proposal for the increase of trade and credit, but meeting with no encouragement, and not being able to get his pardon, for having killed Beau Wilson in a duel, he was compelled to live abroad, where after undergoing great variety of persecutions from his enemies, he settled in France. During his stay in England, he had informed himself fully of the management of the Bank and East India Company, and, in order to settle the fluctuating manner of things in France, he proposed to the Regent to lay the foundation of credit by erecting a Bank. The Regent approved of the scheme, the Bank was established, the King began the subscription the Regent followed, with innumerable others This project met with such success, that, in three subscriptions, more than all the money in France was said to be subscribed to it: for, by the end of the year 1719, bills were given out for 640 millions of livres, which exceeds the value of the bills circulated by all the Banks in Europe. There was added a circulation of 560 millions, and the whole amounted to 1,000 millions of livres, making above 36 millions of pounds sterling at the Exchange then current

"A Bank being thus erected, and credit established, Mr. Law formed the project of the Mississipi or India Company, who were to have the sole privilege of the trade to Louisiana, or the country of Mississipi, so called from a river of that name, which runs through it from North to South Pursuant to this scheme, a subscription of stock was opened, and all were admitted to subscribe. The sum first proposed to be raised was only 60 million of livres, to be subscribed in state-bills. These state-bills or public securities were then very low, being from 57 to 63 per cent discount; but, as they were received at par without any loss in the company's stock, the first subscription of 60 millions was soon filled. The capital stock was then enlarged to 100 millions, and the actions or shares rose to 120. After this a new creation of actions was made for 25 millions more, which were delivered out at 110, and soon rose to 200. As people appeared very eager to lay out their money this way, an arret of the council of state was published, for circulating bank-bills, to the value of 25 millions, in the Mississipi company, upon which the actions, about Midsummer 1719, run up 560. The company, finding their credit so well established, proposed to lend the king 50 millions, for which there was a new creation of actions for 25 millions, upon the foot of 200 per action. About the end of August, the company proposed to the king another loan of 1200 millions, at three per cent. As the actions were now advanced to 1,200, the company, in order to raise the loan opened their books for 500 millions, by the sale of 50 millions of actions, at the rate of 1,000 per action. The subscriptions were filled in a few hours; and, in less than three weeks, two subscriptions more, for the like sum of 500 millions each, were opened with the same success. The first payment of these three subscriptions rose so considerably, as to be sold at 300 per cent. profit. From that time the actions rose to 2,050.

"The Mississipi stock was in its greatest prosperity during the months of November and December 1719; and, in the January following, Mr. Law, who was become the greatest subject in Europe, was made comptroller general of the finances of France. From that time the stock began to decline, and by the end of May, all things fell into confusion at Paris, occasioned by an arret to reduce bank notes and actions of the company. Mr. Law resigned his place, and had two Swiss officers given him for his guard. By this project the state indeed gained immensely, 1,500 millions of the king's debts being transported from him to the people, who were content to discharge the public, and owe the money to one another. Consequently, when the fall came (except a few great fortunes that were made) there was almost a general ruin through all France. This revolution of the Mississipi stock at Paris was not regarded in England, where the like infatuation universally prevailed, and was followed by the like consequences."

was not against that motion, but that their meeting, this day, in a full house, was in order to consider of the dangerous consequences of Mr. Law's coming over, at this critical juncture. That, for his own part, his lordship could not but entertain some jealousy of a person who had done so much mischief in a neighbouring kingdom, and who being so immensely rich, as he was reported to be, might do a great deal more hurt here, by tampering with many who were grown desperate by being involved in the calamity occasioned by the fatal imitation of his pernicious projects. That this person was the more dangerous, in that he renounced not only his natural affection to his country, and his allegiance to his lawful sovereign, by being naturalized in France, and openly countenancing the Pretender's friends; but, which was worst of all, and weighed most with his lordship, that he also renounced his God, by turning Roman Catholic Concluding, that they ought to inquire, whether sir John Norris had orders to bring him over? To this last part of the earl Coningsby's Speech,

Lord *Carteret* answered, in substance, That Mr. Law had many years ago the misfortune to kill a gentleman in a duel, but that having at last received the benefit of the king's clemency, and the appeal lodged by the relations of the deceased, being taken off, he was come over to plead his majesty's most gracious pardon. that there was no law to keep any Englishman out of his own country; and as Mr. Law was a subject of Great Britain, it was not even in the king's power to hinder him from coming over, if he thought fit. To this

The Lord *Trevor* replied, That Mr. Law was, indeed, a subject of Great Britain, and therefore, as such, had an undoubted right to come hither, but that the circumstances of a person of his character being brought over on board an English admiral, and at this juncture of time, might deserve the consideration of that House.

Earl Cowper spoke much to the same effect; but, however, that matter was set aside, by the lord North and Grey's moving, That the House be called over that day sev'night. This being opposed by some lords, who desired that the call might be put off for a fortnight,

Earl *Cowper* said, It was the constant usage of parliaments for the House to be summoned, to go upon business, a few days after their meeting, that his majesty had, in his late Speech from the throne, mentioned things of so great importance to the nation, that, for his own part, he took shame to himself, that he had not, before this time, proposed a Call of the House, to take the said Speech into consideration; and that they were very much obliged to that noble lord for making now that motion

This was seconded by the duke of Wharton, the lord Trevor, and

Earl *Coningsby*, which last, in particular, said, That there were some very remarkable things in that Speech, which he would point out to their lordships, when it came to be considered; and that he should take the liberty, not only to take notice of that speech, but to compare it with two speeches of the last session, and see how they agreed: that, in the mean time, he could not forbear taking notice of a design of building Barracks, under the notion of Pest-Houses, which his lordship confessed gave him some uneasiness; for it being a thing we were not used to, it looked like a design to garrison Standing Forces, to awe the city of London. Hereupon,

Lord *Townshend* said, That the very reasons which some lords had made use of, for appointing a short day, weighed rather with him for putting off the Call of the House for a week longer; for since there was business of so great importance to be considered, the absent lords ought to have the more time allowed them to settle their affairs, in order to attend the service of the House; whereas, if one week only was allowed them, many of them could not have dispatched their business so soon.

Then the question being put, whether the Call of the House should be that day sev'night, or that day fortnight, it was, upon a division, carried for that day fortnight, by 57 voices against 11. Notwithstanding this disappointment,

The Lord *Cowper* returned to the charge, and said, That though the House were not called over so soon as some of their lordships desired, yet they might appoint a shorter day to consider of the King's Speech. Urging, that it was hardly decent, when a great king, in a peaceable possession, had made a Speech from his throne recommending to them matters of the last importance, and pressing dispatch, that in all this time they should have taken no farther notice of it, than barely to thank him for it, which was a thing of course; and therefore his lordship desired, that they might go upon the consideration of the king's Speech on the Monday following, which was agreed to without any division.

Debate in the Lords on the Navy-Debt.] November 13. The Lords took his majesty's Speech into consideration, and

The Lord *North and Grey* insisted chiefly on the Debt of the Navy, saying, "That it was matter of surprize, how such an immense Debt could be incurred, when the parliament had yearly provided for all that had been demanded for that service"

His lordship was seconded by earl Cowper, who went through all the heads of the king's Speech; and was backed by the lords Trevor and Bathurst, the duke of Wharton, and earl Coningsby, who all insisted upon an inquiry into the Debt of the Navy. The lord Carteret, lord Townshend, the earl of Sunderland, and lord Tynsham answered, That near two thirds of that Debt had been contracted in the last reign; which they were ready to make appear to the House.

The Bishop of *Rochester* replied, That since the Debt was incurred, it was an unjust piece that

thay who trustad the government should be paid; but that, on the other hand, it became the wisdom of that House, to endeavour to prevent the like for the futore, and to restore the navy to the ancient foot, that is, not to exceed the expences provided for by parliament. In answar to this,

The Earl of *Hay* urged, That the public good, and the safety of the nation, being the grand object and rule of government, some latitude must of necessity be given, and allowances made, to those who are in the administration for extraordinary expances upon unforeseen exigencies. Lord Parker, and some othar lords, spoke on the same side.

Then a motion was made, "That this House do on Friday next take into consideration the causes of contracting so large a Navy-Debt, and the best methods of preventing the contracting the like Debt for the future." And the question being stated thereupon, it was proposed to leave out the following words, 'And 'tha best Methods of preventing the contract-'ing the like Debt for the future.'

Protest on that occasion] After debate, the question was put, whether those words shall stand part of the question? It was resolved in the negative. Content 22. Not-Content 64.

"Dissentiant'

1. "Because the principal and of all parliamentary inquiries into mismanagements, being to prevent the like for the future, wa thought it mora agreeable to the candour and honour of the House, to express it plainly in the question itself, than leave it to be implied only; and the rather, because it seamed to us, that the words left out clearly imported that nothing personal was in view, but the public good only, which, wa thought, would rather have given satisfaction to the minds of every noble lord, than the contrary.

2. "When the words now ordered to be left out were, for the reason given, so properly and naturally, as we conceive, made a part of the question, we could not but apprehend that tha laying them aside on debate might create a suspicion, though unjust, that this House did not intend to prevent, if possible, the contracting a large and inconvenient Navy-Debt for the future.

3. "His majesty having, in his Speech from the throne, observed the ill consequences that arise from such a large Debt remaining unprovided for, we thought it very proper, if not necessary, in the resolution taken to enter into the consideration of that Debt, to express a desire of preventing the like inconvenient Debt being contracted for tha future; and that the doing so did not at all prejudge the causes of contracting the present great Navy-Debt; for however necessarily or justifiably an inconvenient thing might have once happened, yet we think it ought, if it can, to be prevented from happening so again.

4. "His majesty having likewise observed in his Speech from the throne, that this part of the National Debt is, of all others, the most heavy and burthensome; and having set forth the mischiefs arising from the high discount on the Navy and Victualling Bills, we thought ourselves sufficiently warranted to express a desire to consider of the best methods of preventing tha like most heavy and burthensome Debt, whatever the causes of contracting the present debt shall, on inquiry, appear to be; and this the rather, because the like Navy-Debt can bring no manner of benefit either to the public or any private parson, but to such as, by foreseeing when it is either to be discharged or provided for, may make an excessive advantage to themselves by buying up the said bills while under a very high discount ——(*Signed,*) W. Ebor', Bristol, Bathurst, Aberdeen, Bingley, Strafford, Scarsdale, Ashburnham, Trevor, Guilford, Wharton, Boyle, Salisbury, Fr. Roften', Aylesford, Cowper, North and Grey."*

Debate in the Lords on a Motion for laying before the House the Instructions given to Lord Carteret as Minister to Sweden.] November 15. 'Tha Lords took into consideration that part of his majesty's Speech, relating to tha alliances and treaties with the Northern Potentates. Lord Guildford moved for an Address to his majesty, That he would be pleased to give orders, that the instructions given to lord Carteret, as minister or plenipotentiary to Sweden, or any other of the Northern crowns, be laid before the House. He was seconded by the earls Cowper and Coningsby, the lord Trevor and the duke of Wharton.

Protest on rejecting it.] But being opposed by the earl of Hay and lord Towoshend, it was carried in the negativa by 63 voices against 21,

"Dissentient'

1. "Because we apprehend this to be the first instance to be found in our Journals, where tha Lords have moved for a sight of instructions of any kind, and have not been supported by the House in that motion; and though we wish it may be the last, yet we have just reason to fear, that such a precedent once made will not fail of being followed in succeeding times.

2. "Because we do not apprehend, how the calling for instructions after the conclusion of the treaty to which they relate, and the intervention of a general Act of Pardon, can be hurtful either to the public, or even to the ministers transacting such treaties; but the refusing to call for those instructions may, in our opinion,

* "It is observable, that in this day's debate, the earl Coningsby had another notable fling at Mr. Law: for upon occasion of the Pestilence that raged in a neighbouring kingdom, he took notice, That the Projector, who was lately come over, had, by his pernicious schemes, brought the Plague of Poverty upon France, which had not a little added to the calamity of the Contagion; for when it first broke out at Marseilles, there was scarce 50*l.* in the treasury of that city." Political State.

be a matter of dangerous consequence, in as much as it tends to discourage inquiries of this kind for the future, and by that means to embolden and screen guilty ministers hereafter.

3 "Because, though we acknowledge the right of peace and war to be in the crown, yet we must be of opinion, that this House hath also a right to inquire into the transactions of ministers employed under the crown, and to censure their conduct, when justice requires it; which cannot well be done, unless it be first known what sort of instructions they received, and how far they have, or ought to have complied with them; and this seems to us more particularly necessary, since the Act of Succession has declared, that this kingdom shall not be engaged in a war, on account of any of the king's foreign dominions; all treaties therefore with princes to the North should, above all others, be made in the plainest and most unexceptionable terms; or, if the way of wording such treaties should occasion any doubt, no method of clearing it should be neglected or avoided, that so this House and the whole kingdom may be satisfied, that nothing has passed derogatory to that Act, which is the basis on which our present happy establishment is founded ——*(Signed)* W. Ebor', Guilford, Boyle, Scarsdale, Aberdeen, Wharton, Cowper, Bingley, Aylesford, Bathurst, North and Grey, Uxbridge, Strafford, Bristol, F. Roffen'."

Debate in the Lords on the Treaty with Spain.] November 20. The Lords considered of that part of his majesty's speech relating to the Treaty with Spain. The duke of Wharton opened the debate, and animadverted upon the conduct of those in the administration, both as to the war and peace with Spain: and moved to address the king, That the late Treaty of Commerce, whereby the former Treaties of Commerce are renewed with Spain, may be laid before the House. He was seconded by the earl of Strafford, and backed by the earls Coningsby and Cowper. The lord Carteret having answered them, the lord North and Grey and lord Bathurst replied to him. The lord viscount Harcourt spoke in vindication of the ministry, and the earl Coningsby, having answered him, the lord Sunderland said, He did not doubt but his majesty would be always ready to comply with the desires of that House, and even in this particular, as well as others: but that for his part, he would be so free as to declare his judgment against advising his majesty to communicate the treaty in question, at this juncture: because, to his knowledge, there was in it a secret article, which the king of Spain had desired might not be made public, till after the treaty of Cambray was over, and his majesty having granted that request, his lordship therefore hoped, that House would not desire his majesty to break his promise.

Protest on that occasion.] Hereupon the question being put on the duke of Wharton's motion, it was carried in the negative by 59 voices against 22

"Dissentient'

"Because, as we believe, the refusing to address for a treaty which has been concluded and ratified so long since, is altogether unprecedented: and we conceive, this case, of all others, ought not to have been made a precedent, where the treaty desired to be called for hath been twice mentioned from the throne to both Houses of Parliament; and the last time, in his majesty's Speech at the opening of this session, expressly (as we cannot but apprehend) recommended to the consideration of both Houses of Parliament.——*(Signed,)* Wm. Ebor', Aberdeen, F. Roffen', Guilford, Bingley, Wharton, Aylesford, Bathurst, Cowper, Fran. Cestriens', Strafford, Bristol, North and Grey, Boyle, St. John de Bletsho."

Further Debate in the Lords on the Navy Debt.] November 22. A person from the Treasury presented to the House, according to order, an Account of the capital South Sea Stock, as it stood in the year 1711. The reason for the Lords calling for this account was this. In the debate about the Debt of the Navy, it having been alledged on the court side, that about 1,100,000*l.* of it were contracted in the last reign, the other side objected the improbability of it; because the debt then due to the navy was sunk into, and made part of the original South Sea stock. To this it being answered by the courtiers, that it did not appear to them to be so; and that the books of the Navy and Treasury would set that matter in a true light, the abstracts of the said books, relating to that matter, were ordered to be laid before the House. It was also objected by the duke of Wharton, That 500,000*l.* had been issued out of the treasury, in the late queen's reign, towards paying off the Debt of the Navy: lord Bingley, who was then Chancellor of the Exchequer, being desired to tell what he knew of that affair, acknowledged, that there was such an order, but could not remember, whether the money was issued out, or not. The same day, the Commissioners of the Navy laid before the House of Lords, accounts of the Debts of the Navy, as they stood in September 1714, and on the 31st of December 1719.

November 27. The Lords went into a Committee of the whole House upon the Navy Debt. The Commissioners of the Navy having laid before their lordships some other papers, relating to that affair, the earl Cowper made several observations thereupon; and being seconded by the earl Coningsby, was answered by the lord Townshend: The earl Cowper replied both to him, and to the earl of Sunderland, who backed the lord Townshend. The lord Bingley, and lord North and Grey having supported the earl Cowper, the lord Carteret replied to them, and the lord Cowper moved, that some other papers, that were wanting to clear up the matter, might be laid before the House by

the Commissioners of the Navy, which was agreed to.

November 30. The Lords read the Bill, 'For 'punishing Mutiny and Desertion, &c.' Then the lord Trevor took notice of the vast number of Half-Pay Officers, who were a great burden to the nation; and that no care was taken, either to lessen that charge, or to reward the past services of the said officers, by advancing them to such posts, as from time to time became vacant in the army; but, that instead of that, new commissions were daily given, and other officers created; concluding with a motion, "That the House might be informed, how the List of Half-Pay Officers stood, and whether their number had been diminished since the reduction of the army; in which time it was very probable many of them had died. He was seconded by the lord North and Grey, the earl Coningsby, and the earl Cowper, who were answered by the earl Cadogan, and the lord Townshend; but it was at last ordered, That an Account of the Number of Land Forces and Half-Pay Officers, now in pay, be laid before the House.

Dec. 2. The Commissioners of the Navy laid before their lordships, several Accounts and Papers relating to the Debt of that office, upon which the lord North and Grey, the earl Coningsby, and the earl Cowper, having made several observations, the said Commissioners were examined thereupon, and ordered to lay some other papers before the House.

Dec. 5. The Lords went into a grand Committee upon the Debt of the Navy, the earl of Clarendon being in the chair. The Commissioners of the Navy, having laid before the House, some other Papers relating to that affair, the earl Cowper moved that they might be read, which being done accordingly, his lordship made several observations thereupon. He was seconded by the lord Trevor; the earl of Sunderland having answered him, was replied to by the earls Cowpar and Coningsby. Lord Sunderland having spoke again, the debate grew warm between the courtiers and the opposite side. Among the first were, the lord Carteret, the lord Townshend, the duke of Newcastle, the earl of Cadogan, and the lord viscount Harcourt; who were opposed by the earls Cowper and Coningsby, the lords North and Grey, and Bathurst, and the bishop of Rochester. The debate having lasted till five in the evening, a motion was made: "That the employing great numbers of seamen for several years last past, more than were provided for by parliament, was one great cause of contracting so large a Navy Debt, and of increasing the same, from the sum of 764,088*l.* 3*s.* 11*d* which was the Net Debt of the Navy on the 31st of December 1717, to the sum of 1,641,937*l* 17*s.* 8*d.*, which was the Net Debt of the Navy on the 30th of December last."

Protest on a Motion relating to the Cause of the Navy Debt.] And a question being stated thereupon after debate, the previous question was put, whether the said question shall be now put? It was resolved in the negative. Content 21, Not-Content 60.

"Dissentient'

"Because the main question being so true in every particular, that, as we could observe, the truth thereof was not denied by any lord in the debates, but seems to us to be admitted by the proposing and carrying the previous question, we think it highly expedient that the main question should have been put and voted in the affirmative, to the end we might have expressed our disapprobation, at least, of the practice of employing much greater numbers of seamen in the fleet, for several years last past, than were provided for by parliament (when the occasion for employing them could not, in our opinion, but be foreseen) and by such our disapprobation might have discouraged, in some measure, that practice for the future, and prevented the increasing of the Navy Debt again by the like proceeding.——*(Signed,)* Strafford, Boyle, Uxbridge, Aylesford, Cowper, Bristol, Trevor, North and Grey, Litchfield, Bingley, Gower, Bathurst, Fran. Castriens', F. Roffen', Guilford, Aberdeen, Foley, St. John de Bletsoe."

Bill for the encouraging the Importation of Naval Stores.] Nov 17. This day in the Commons sir Gilbert Heathcote stood up, and set forth, That since the Russia Company had engrossed the trade to that country, the tar was raised above double the price it bore when the trade was open. That, besides, while we fetched our naval stores from Russia, it was in the power of the Czar, not only to set what price he pleased upon them, but even to prevent our having them at all, in case we should be at war, either with him, or any of his allies; or, at least, to hinder our having them, unless brought over and imported in his own vessels; which, he said, that he was informed the Czar now insisted upon. That therefore, since these commodities were so absolutely necessary for our navy, it was not fitting we should lie at the mercy of a foreign prince for them; especially, since we could be supplied with them from our own plantations, and upon easier terms for whereas we now pay for the naval stores from Russia mostly in ready money, we might have them from New-England, and other English plantations in America, in exchange for our own manufactures; whereby we should not only encourage his majesty's subjects abroad, and divert them from setting up and carrying on manufactures which directly interfere with those of Great Britain, but also employ our poor at home: concluding, with a motion for bringing in a bill, 'For giving farther Encouragement 'for the importation of Naval Stores;' which being seconded, the said bill was ordered to be brought in.

Debate in the Commons on the Bill relating to the Plague.] Then the House resolved itself into a grand committee, upon the bill, 'To

'prevent the Contagion being brought into this 'Kingdom.' A clause being offered to be inserted in the Bill, impowering the king to order his officers to fire upon, and sink any ship coming from an infected place, sir Gilbert Heathcote moved, and was seconded by sir Nathaniel Gould, and Mr. Caswell, all Turky Merchants, That there might be an exception as to the ships of the Turky Company; alledging, that many of them were abroad, which they expected home very speedily, and which could not have notice of this law. They urged besides, that to allow the sinking and destroying all ships coming from infected places, was, in effect, to prohibit all commerce with Turky, where it was known by every body, that the plague was always in some part or other; whereby we should lose tha most beneficial branch of our trade, and which took off so much of our woollen manufacture. To this it was answered, by sir Philip Yorke, and Mr. Yonge, That there was a vast difference between the common Plague, which is epidemical in Turky, and the contagion which at present rages in the South parts of France, to prevent the bringing over of which this bill was chiefly intended. That therefore it might be left to the discretion of the king and his ministers to act in that matter as they should see occasion, and to give directions accordingly by proclamation. and Mr. Thomas Broderick added, That for his part, he was more afraid, that in this case, as on other occasions, the king would be too merciful, rather than too severe. Hereupon the Bill was gone through. Then, upon the question, when the Amendment made thereto should be reported, sir Gilbert Heathcote, and they who were against the Bill, insisted to have it put off, that there might be more time to consider of any objections that might be made against it: but Mr. Broderick said, He thought no time ought to be lost in a case of this nature, wherein the lives of us all were concerned: that for his part he wished the Bill could obtain the royal assent that very day; and therefore moved, That it be reported the next day, which being ordered accordingly, the said amendments were then agreed to and the Bill ordered to be engrossed, and on the 20th the said Bill was passed.

Petition of the City of London to the Lords touching the Bill relating to the Plague] Dec. 6 A Petition of the lord mayor, aldermen, and commons, of the city of London, in common council assembled, was presented to the House, and read; setting forth, "That it appearing, by the inspection of the Journal of this House, that their lordships have now under consideration the amendment of an Act passed in a late session of parliament, intituled, 'An Act for repealing an Act made in the 9th 'year of the reign of her late majesty queen 'Anne,' intituled, 'An Act to oblige Ships 'coming from places infected, more effectually 'to perform their Quarentine; and for the 'better preventing the Plague being brought 'from foreign parts into Great Britain or Ire-'land, or the isles of Guernsey, Jersey, Alder-'ney, Sark, or Man, and to hinder the spread-'ing of infection:' That the Petitioners conceive, that, in some clauses of that Act, not only the rights, privileges, and immunities, but the trade, safety, and prosperity of the city of London, are highly concerned; and praying, "That they may be heard, by their counsel or otherwise, in relation to the said Act, at such time, and in such manner, as their lordships shall judge most proper and expedient."

Protest against rejecting it.] And a motion being made, "That the said Petition be rejected." After debate; The question was put, "Whether the said Petition shall be rejected?" It was resolved in the affirmative.

"Dissentient'

1. "Because the liberty of petitioning the king (much more that of petitioning either House of Parliament) is the birth-right of the free people of this realm, claimed by them, and confirmed to them, soon after the Revolution, in an Act, declaring the rights and liberties of the subject, and settling the succession of the crown; and whenever any remarkable check hath been given to the free exercise of this right, it hath always been attended with ill consequences to the public.

2. "Because the Petition so rejected was, in our opinion, every ways proper and unexceptionable, both as to the manner of wording and presenting it, and the matter to which it referred; nothing being more natural and reasonable, than that any corporate body should, if they desire it, be heard upon any bill under the consideration of parliament, whereby they judge their particular interests to be highly, though not solely, affected. This liberty was remember to have been granted in a late session to the traders of Norwich, upon their Petition touching the Callico Bill; nor are we aware that it hath ever, in like circumstances, been refused to the meanest corporation in the kingdom. But, if it had, we humbly conceive, that in this case a distinction might have been made in favour of the city of London, which being the centre of credit, of the trade and monied interest of the kingdom; and the place where the plague, should we be visited by it, is most likely first to appear; and having also remarkably suffered by means of the late fatal South Sea scheme, was, we think, in a particular manner intitled to apply for relief against some clauses in the Quarentine Act, and deserved to have been treated on that occasion with more indulgence and tenderness

3. "Because the rejecting the said Petition tends, we conceive, to discountenance all Petitions for the future in cases of a public and general concern, and by that means to deprive the legislature of proper lights, which they might otherwise receive, it being no ways probable that subjects or societies of less consideration, will venture to represent their sense,

in cases of like nature, after the city of London have thus been refused to be heard.

4 "Because as the receiving this Petition could have had no ill consequences, as we conceive, nor have given any great interruption to the business of parliament; so the rejecting it may, we think, widen the unhappy differences that have arisen, and increase the disaffection to the government, which hath already too much prevailed in this kingdom.

5. "Because the arguments used in the debate seem, to us, not to be of sufficient force; for we cannot conceive, that because the said Act of Quarentine is a general act, therefore no particular community or city, who think they may, in a distinguishing manner, be prejudiced by it, have a right to be heard in relation to it; and that at a time when it is under consideration of parliament; Nor can we be of opinion, that a Petition agreed on by the lord-mayor, aldermen and citizens of London in common council assembled, and presented, not even by the numbers allowed by law, but by a lord of this House, can possibly be a prelude or example towards producing tumultuous petitions; much less can we see, why it ought the rather to be rejected, because it came from so great a body as the city of London. On the contrary, we apprehend, that an universal grievance, which may be occasioned by any general Act, must be represented to the legislature by particular persons or bodies corporate, or else it cannot be represented at all, that the rejecting such Petitions, and not the receiving them, is, we think, the way to occasion disorders and tumults; and that the more considerable the body is, the more regard should be had to any application they make, especially for matters wherein not only the rights, privileges and immunities, but also their trade, safety and prosperity are, as the Petitioners, highly concerned ——(*Signed*,) Bristol, Strafford, Gower, Tha. Cestriens', Bingley, Fr. Roffen', Aylesford, Trevor, Cowper, Aberdeen, Litchfield, Uxbridge, North and Grey, St. John de Bletsoe, Bathurst, Guilford, Boyle, Coningsby."

Debate in the Lords on the Bill relating to the Plague.] December 11 The Lords went again into a committee of the whole House, upon the Bill to prevent Infection, and a very warm debate arose. The earl Cowper excepted against the power given by the clause for drawing lines round any city, town, or place infected; and moved, That the cities of London and Westminster might be excepted. He was seconded by the earl Coningsby, lord Trevor, lord North and Grey, the earl of Strafford, the bishop of Rochester and lord Bathurst; but they were answered by the earl of Sunderland, the lord Townshend, the duke of Wharton and the duke of Newcastle, lord Harcourt suggested, That 200,000 men would not be sufficient to guard such great cities as London and Westminster, and therefore he thought it needless to except them. Then the question being put, upon the earl Cowper's motion, it was carried in the negative by 45 voices against 20.

Further Debate in the Lords on the Mutiny Bill.] Dec. 12. The Lords went into a grand committee upon the Bill from the Commons, 'For punishing Mutiny and Desertion,' &c. After the reading of it,

The Lord *Trevor* excepted against the clause for punishing soldiers with death for desertion; and for exempting them from being arrested for debt. His lordship urged, That the exercise of martial law, in time of peace, was unknown and repugnant to our constitution: that such a law was indeed necessary during the late rebellion; but there being at present no such reason, and all being perfectly quiet and easy under his majesty's mild government, the punishment of offences committed by the soldiery ought to be left to the civil magistrate. And that, on the other hand, it was unreasonable to grant soldiers a protection from their lawful creditors, since thereby a great many poor people, who might be drawn to trust them, might be ruined.

This speech was answered by the earl Cadogan, and the earl of Sunderland; to whom the lord North and Grey, the earls Coningsby and Strafford, and lord Bathurst replied. The lord Harcourt having spoken for the bill, he was answered by the earl of Strafford, to whom the lord Carteret replied; and the question being put, That the number of Standing Forces be reduced, it was carried in the negative by 67 voices against 19.

Motion for committing Lord Coningsby to the Tower, for reflecting on the Lords Justices.] During this debate the earl Coningsby having severely animadverted upon some of the Lords Justices, appointed by the king when his majesty went last to Hanover, insinuating, That nobody knew from whence they came,

The Lord *Sunderland* said thereupon, He did not think any thing that noble lord, who spoke last, had said or could suggest, to be a reflection on the late regency, of which he had the honour to be one: but as they were chosen and appointed by the king, he thought it a reflection on his majesty, of which the House ought to take notice, and therefore desired that his words might be taken down in writing. Hereupon

Lord *Coningsby* said, he did not mean any reflection upon any that were living, but some of them that were dead. To this

The Earl of *Sunderland* replied, That in his opinion, it was still more indecent and unbecoming the dignity of that august assembly, any who had the honour to sit in it, to reflect on persons that were dead and could not answer for themselves, than upon persons living who could speak in their own justification: and therefore his lordship insisted, That the earl Coningsby's words might be wrote down in order to have him sent to the Tower.

The Lord *Harcourt*, to moderate the matter, said, He hoped that noble lord meant no reflection, however his words might look that way, and therefore desired he might have liberty to explain himself. Hereupon

The Earl *Cowper* declared, He did not intend to reflect upon any body; that he was sorry what he had said had given offence; begged pardon of the House, and promised to take care not to offend any more in that kind for the future.

Motion for repealing some Clauses of the Quarantine Act.] Dec 13. The Lords went into a grand committee, upon the Bill to prevent Infection, which occasioned a warm Debate.

The Earl *Cowper* moved, That a bill be brought in, for repealing so much of the act passed the last session, relating to the Plague, as gives a power to remove to a lazaret or pest-house, any persons whatsoever infected with the plague, or healthy persons out of an infected family, from their habitations, though distant from any other dwelling; and also so much of the said act, as gives power for drawing lines or trenches round any city, town, or place infected; his lordship represented, That the powers above-mentioned were altogether unknown to our excellent constitution, inconsistent with the lenity of our free government; such as could never be wisely or usefully put in practice; and the more odious because they seemed to be copied from the arbitrary government of France, and could not be executed but by military force.

The lord Cowper was seconded by lord Trevor, and backed by the earl Cowingsby, the bishop of Rochester, the lord North and Grey, and the earl of Strafford, who replied to the earl of Sunderland, the lords Harcourt, Townshend and Carteret.

Protest against rejecting it.] But the question being put thereupon, it was resolved in the negative, by 39 against 20.

"Dissentient',

"1. Because the powers specified in the question seem to us such as can never wisely or usefully be put in execution, for by the first of them, persons of what rank or condition soever, either actually infected, or being in the same habitation, though in lone houses where they are well accommodated, and from whence there is no danger of propagating the infection, may be forcibly removed into common lazarets or pest-houses; and it does not appear to us, that such a power could, at any time, be reasonably executed; and therefore, we conceive it should be repealed.—The other power extends to the drawing of lines around any city, town or place, and consequently around the cities of London and Westminster; the very apprehension of which, upon the least rumour of a plague, would disperse the rich, and by that means (as well as by hindering the free access of provisions) starve the poor, ruin trade, and destroy all the remains of public and private credit.

"2. Because such powers as these are utterly unknown to our constitution, and repugnant, we conceive, to the lenity of our mild and free government, a tender regard to which was shewn by the act James I. which took care only to confine infected persons within their own houses, and to support them under their confinement, and lodged the execution of such powers solely in the civil magistrate; whereas the powers by us excepted against, as they are of a more extraordinary kind, so they will probably (and some of them must necessarily) be executed by military force; and the violent and inhuman methods which, on these occasions, may, as we conceive, be practised, will, we fear, rather draw down the infliction of a new judgment from Heaven, than contribute any way to remove that which shall then have befallen us.

"3. Because, we take it, these methods were copied from France; a kingdom, whose pattern, in such cases, Great Britain should not follow, the government there being conducted by arbitrary power, and supported by standing armies; and to such a country such methods do, in our opinion, seem most suitable: and yet, even in that kingdom, the powers thus exercised of late have been as unsuccessful as they were unprecedented; so that no neighbouring state hath any encouragement from thence to follow so fatal an example. In the first plague with which we were visited, A. D. 1665, though none of these methods were made use of, much less authorised by parliament, yet the infection, however great, was kept from spreading itself into the remoter parts of the kingdom; nor did the city of London, where it first appeared and chiefly raged, suffer so long or so much, in proportion to the number of its inhabitants, as other cities and towns in France have suffered, where these cruel experiments have been tried.

"4. Because had such part of the act as we think should be repealed, been accordingly repealed, there would still have remained in it a general clause, which gives the crown all powers necessary to prevent the spreading of infection, and consequently these very powers, among the rest, if they shall be found necessary, and therefore there is no need, we conceive, to have them expressly granted in the same act of parliament, which seems not only to warrant, but in a particular manner to prescribe and direct the use of them.

"5 Because the great argument urged for continuing these powers specified in the question, that they would probably never be put in execution in the cases objected to, seems to us a clear reason why they should not be continued; for we cannot imagine why they should stand enacted, unless they are intended to be executed, or of what use it will be to the public to keep the minds of the people perpetually alarmed with those apprehensions, under which they now labour, an appears by the petition

from the city of London lately rejected: it may be an instance of our great confidence in his majesty's wisdom and goodness, when we trust him with such powers, unknown to the constitution; but, we think, it ill becomes us to repose such trust, when it tends, in our opinion, rather to render him terrible than amiable to his subjects, and when the only advantage he can, as we conceive, draw from the trust reposed in him is, not to make use of it.——*(Signed,)* W. Ebor', North and Grey, Weston, Fra. Roffen', Comingsby, St. John de Bletsoe, Gower, Strafford, Boyle, Fr. Cestrien', Bristol, Trevor, Uxbridge, Aylesford, Aberdeen, Cowper, Bingley, Guildford, Foley, Bathurst."

Motion for Sir George Byng's Instructions concerning the Action against the Spanish Fleet.] December 19. The House went again upon the king's Speech at the opening of the session, and took into consideration that part of it relating to the treaty with Spain. The earl of Strafford suggested, That as the war with Spain was undertaken without necessity, or a just provocation, so the peace was concluded without any benefit or advantage; that contrary to the law of nations, the Spanish fleet was fallen upon without any declaration of war, and even while a British minister and secretary of state was amicably treating at Madrid; so that the Spaniards might think themselves secure from any hostilities and as the manner of beginning the war with Spain did not appear justifiable, neither could the war itself be easily reconciled with sound politics, since it was an interruption to one of the most valuable branches of our trade; and at a time when the nation groaned under the pressure of heavy debts, occasioned by a former long expensive war. Concluding with a motion for an Address to his majesty, that he would be pleased to cause the Instructions that were given to sir George Byng, in relation to the Action against the Spanish fleet in the Mediterranean, to be laid before the House.

He was seconded by lord North and Grey, the archbishop of York, the earls of Aylesford and Cowper, the lords Guildford, Trevor, and Bathurst. They were answered by the earl of Sunderland, the duke of Wharton, and lord Carteret.

Protest against rejecting it.] And the question being put upon the said motion, it passed in the negative by 67 voices against 24.

"Dissentient'

"1. Because not finding any instance, on search of the Journals, we believe there is none, wherein a motion for Admirals' Instructions to be laid before the House has been denied; but, on the contrary, there are many precedents of instructions of a like nature, and in stronger cases, as we conceive, addressed for by the House, and several in point, for instructions given to admirals, particularly to sir George Rooke and sir Cloudesly Shovel; nor does it seem, to us, at all material, whether the conduct of such admirals had or had not been blamed before such instructions were asked for, since the sight of instructions may be previously and absolutely necessary to inform the House, whether their conduct be blameable or not.

"2. Because we think it highly reasonable, that those instructions should be laid before this House, upon which the action of the British against the Spanish fleet in the Mediterranean was founded, without any previous declaration of war, and even whilst a British minister, a secretary of state, was amicably treating at Madrid, which court might justly conclude itself secure from any hostile attack during the continuance of such negotiations

"3. Because, till we have a sight of those instructions, and are able to judge of the reasons on which they are founded, the war with Spain, in which that action of our fleet involved us, does not appear to us so justifiable as we could wish, and yet was plainly prejudicial to the nation in sundry respects; for it occasioned an entire interruption of our most valuable commerce with Spain, at a time when Great Britain needed all the advantages of peace to extricate itself from that heavy national debt it lay under; and as it deprived us of the friendship of Spain (not easily to be retrieved) so it gave our rivals in trade an opportunity to insinuate themselves into their affections; and we conceive that to that war alone is owing the strict union there is at present between the crowns of France and Spain, which it was the interest of Great Britain to have kept always divided; an union which in its consequences may prove fatal to these kingdoms.—Nor does it appear that Great Britain has had any fruits from this war, beyond its being restored to the same trade we had with Spain before we began it.——*(Signed,)* W. Ebor', Aberdeen, Aylesford, Strafford, Bristol, Foley, North and Grey, Bathurst, Fran. Cestriens', Compton, Guildford, Scarsdale, St. John de Bletsbo, Trevor, Boyle, Weston, Cowper, Uxbridge, Gower."

Protest against passing the Mutiny Bill.] Dec. 21. The Bill for punishing Mutiny and Desertion, and for the better payment of the army and their quarters, was read the third time. and the question being put, whether the bill with the amendment should pass; It was resolved in the affirmative.

"Dissentient';

"1. Because we have heard no arguments to convince us, that there is any necessity for a greater number of troops being kept on foot at this time, than there was after the peace of Ryswick or the peace of Utrecht; for as to the argument urged from the present disaffection of the people, we are fully persuaded, that the keeping up so great an army is much more likely to increase than lessen such disaffection.

"2. Because this precedent is likaly to be followed in all subsequent times, there being no probability that a conjuncture can happen, when there will be less apparent reason for keeping up a great number of forces, than at this time of a general tranquility.

"3. Because, we conceive, there are several clauses in this bill, which tend to overthrow the civil power in this kingdom, and turn it into a military government; and we apprehend it to be our duty to take care, that so dangerous a precedent may not be made for any future time without an evident necessity; and it is plain there is no such necessity for erecting this military power within this kingdom in time of peace, because the army was well governed without it in the two former reigns.

"4. That allowing such a number of troops were necessary, yet there is no reason can be alledged, as we apprehend, that they should be constituted in this expensive manner, which raises the charge upon the nation to about double what it was, in time of peace, in the two former reigns: and we must, with great concern, assert, that the public is much less able to bear such an excess at the present, than at any former time.——*(Signed,)* W. Ebor', Bristol, Strafford, Bathurst, Uxbridge, Aberdeen, Guildford, Scarsdale, Tadcaster, F. Roffen', North and Grey, Foley, Boyle, Trevor, Fren. Cestreos."

The Quakers' Affirmation Bill brought into the Commons] Dec. 14. A Petition of the people called Quakers, on behalf of such of their friends who scruple the form of solemn Affirmation, was presented to the House, and read; setting forth, "That many of their friends do conscientiously scruple the present form of solemn Affirmation; whereby they have fallen under great sufferings, by imprisonment, or loss of their properties; they not being able to answer in courts of equity, take probates of wills, prove debts on commissions of bankruptcy, verify their entries on the leather or candle acts, take up their freedoms, be admitted to poll for their freeholds, give evidence for others, nor to declare their fidelity to the present government: all which they conceive to be hardships; and praying, That leave may be given to bring in a Bill for granting them such a Form of Affirmation as may remove the difficulties they now lie under."

This Petition was spoke to by sir John Ward, and Mr. Heysham, members for Loodou, who were backed by the lord William Paulet, Mr. Sloper, Mr. Horatio Walpole, and sir Wilfrid Lawson; whereupon a Bill was ordered to be brought in, according to the prayer of the said Petition; which Bill passed the House, on the 9th of the following month.

Debate in the Lords on the Quakers' Affirmation Bill] January 9, 1722. The Lords being met again, their lordships read the first time the Quakers' Bill; but a motion being made, That the said bill be read a second time, the same was opposed by the lord North and Grey. He was seconded by the

Bishop of *Rochester*, who, among other things, said, He did not know why such a distinguishing indulgence as was intended by this bill should be allowed to a set of people, who were hardly Christians. To this

The Earl of *Hay* answered, He wondered that reverend prelate should call in question, whether the Quakers were Christians; since they were so, at least by act of parliament, being included in the Toleration Act, under the general denomination of Protestant Dissenters.

The Bishop of *Rochester* smartly replied, it was against the standing Orders of that august assembly to make any personal reflections; and he thought it a much greater indecency to make a jest of any thing that was sacred; and that the calling the Quakers, Christians by act of parliament, was a sort of side-wind reflection upon Christianity itself. However, he would let that pass, and reserve to another opportunity what he had to offer against the bill.

On the other hand, the earl of Sunderland, and the lords Carteret and Bathurst having spoke for a second reading, the same was ordered for the 15th.

Debate in the Lords relating to the Building of Ships for Foreigners] January 11. The Lords resumed the debate about the Building of Ships for Foreigners, which was opened by the earl of Coningsby, and seconded by the lord North and Grey and the earl Cowper. Their lordships suggested, "That the practice of building ships for foreigners may be attended with very ill and dangerous consequences; for as such foreigners, though at present in amity with us, may yet, one time or other, become our enemies, they will in such a case make use of those very ships to fight against ourselves. And that besides this general consideration, the present great scarcity of timber in England, made such a practice so much the more unjustifiable, especially if it was considered what great number of ships had lately been built for the French, some of which were sixty or seventy gun ships."

To this the lords Carteret and Townshend answered in general, "That they knew of no law in being to hinder any ship carpenter from working for any one that would employ him; that the French, though now in amity, may, indeed, be one day our enemies: but yet, if they built not here such ships as they have occasion for, they might get them built in Holland, or Hamburgh; and their lordships were of opinion, it was better for us to get their money than our neighbours: that indeed if we could hinder the French from building ships at all, it would be prudent to do it, but since they can have them in other places, our prohibiting them to buy them here, would rather be detrimental than advantageous to us."

The Judges, whose opinions the House desired to have, not being all come, the further consideration of that affair was put off till the next day.

The Judges' Opinion thereon.] January 12. The Judges that were in town being present,

The Earl *Cowper* set forth the pernicious practice which, for some time, had been carried on, of building ships of force for the French, not only in the river Thames, but also at Bristol, and was seconded by the lord North and Grey. They were answered by

The Lord *Townshend*, who alledged, That there was no law against it that he knew of.

The Earl *Cowper* thereupon moved, That the Judges might be asked their Opinions as to that point; and being seconded by the lord Conings-by, the question was put to them accordingly.

Thereupon the Lord Chief Justice Prat, in the name of all the Judges present, except baron Montague, who desired farther time to consider of it before he gave his opinion, declared, "That they knew of no law, whereby the king was impowered to hinder any of his subjects from building ships for any one that would employ them, whether natives or foreigners." Hereupon

The Earl *Cowper* said, That if there was no such law, it was high time there should be one, to put a stop to such a pernicious practice for the future; and therefore moved "That the Judges be ordered to bring in a Bill for that purpose."

This motion being opposed by the earl of Sunderland, the earl Cowper replied to him, which occasioned a debate between the lord Townshend, the earl of Sunderland, the duke of Argyle, and the lord Carteret on the one side; and the lord Bathurst, the earl Conings-by, and the lord North and Grey on the other side: but at last the court-party dropt their opposition to the earl Cowper's motion, provided this clause "except licensed by his majesty" be added to the said Bill, which was ordered to be brought in, but it did not pass into a law.

Further Debate in the Lords, on the Navy Debt.] January 13. The Lords in a grand committee resumed the consideration of the great Debt of the Navy.

Earl Cowper moved, That the Papers laid before the House, by the commissioners of the Navy, relating to the number of ships employed in the Baltic and Mediterranean, might be read; which being done accordingly, his lordship observed, That one great cause of the Navy Debt, was, the not discharging the Seamen belonging to his majesty's ships when they came home, but keeping them in sea-pay all winter. To this

Lord *Torrington* answered, That though seamen in the winter might be said to be of no use, yet the keeping them in pay was an expence absolutely necessary, for if they were discharged, the government would be to seek for them in the spring, when they had occasion for them, since seamen cannot live without business; and if not employed in the royal navy, they are forced to hire themselves either to the merchants or into foreign service.

The House being resumed, a motion was made, "That the not paying off his majesty's ships when they came home from their several voyages, according to the ancient usage of the Navy, but continuing them in sea-pay during the winter, till they went out again, has been one great cause of contracting so large a Navy-Debt."

Protest on that occasion.] And a question being stated thereupon, after debate, the previous question was put, Whether the said question shall be now put? It was resolved in the negative.

"Dissentient'

1. "Because, we conceive the main question ought to have been put, since the practice complained of in it having been from the year 1690 very frequently represented against to the Admiralty and the Treasury, by the commissioners of the Navy (the proper officers to give advice in such matters, and who then were men of great experience, ability and probity) for being contrary to the ancient usage of the Navy, giving great disgust to the seamen, and causing an unnecessary expence of the public money; we thought it highly reasonable to endeavour that a stop should be put to this method, which was attended with so many fatal consequences; and we cannot but think, the putting and voting the main question in the affirmative would have greatly conduced to that end.

2. "Because it did not appear necessary, at a time when so few men were either granted or demanded for the service of any one year, that the seamen should be treated with so much severity, as not to be paid off according to the ancient usage of the navy, but kept in floating prisons, as the said commissioners of the navy very well express it; especially since we find, that during the late wars, when 40,000 men a year were granted, this was truly thought, by the said commissioners of the navy, a way rather to provoke the seamen to desert, than encourage them to come into or continue in the service; and to be the principal, if not the only reason, why it is become so difficult to get them again when wanted.

3. "We thought at this juncture, when his majesty had so lately, in a most gracious speech from the throne, signified his having so happily established peace throughout Europe, it would be proper (if ever) to use our best endeavours that the seamen might partake of the benefit of our mild and free government, and not be liable to greater hardships than any of their fellow subjects, as we think they would be, if this practice be suffered to continue.

4. "Because such methods ought to be used as will most contribute to procure the affections of the seamen to the service, which, we think, the ancient usage of the navy will in this case best effect; by which they will have the satisfaction to spend their money within the kingdom, for the benefit and support of their families, as formerly, when the ships were paid off at their return home from their several voyages; whereas, we hope, prevent their ab-

seconding from, and deserting the service, and engage them cheerfully to enter into it whenever there shall be occasion; whereas according to the late practice, by the opinion of the said commissioners of the navy, the difficulty of getting them in the spring chiefly rises from keeping them all winter, and yet the difficulty of getting them again is assigned as the only reason for keeping them in pay during the winter, although it amounts to an intolerable charge upon the kingdom; it appearing by one of the papers now upon the table, that keeping them in pay all the winter comes to near five times as much as raising them again in the spring.

5. "We cannot but think it a very unusual way of arguing in a house of parliament, that a question ought not to be put, because it is generally admitted to be true; though at the same time there may be too much reason to believe that the practice complained of will not be altered without the interposition of parliament.

6. "We cannot conceive the treaty with Sweden could make it necessary, as was alledged, to keep the men in pay all the winter; since it appears by the papers upon the table, that very little or no time would have been lost, if the old method of the navy of raising them in the spring had been followed, by which much money would have been saved to the public; especially since their so early arrival there did neither prevent landing the Czar's troops in Sweden, when and where they pleased, nor by any action at sea contribute to weaken his naval strength.

"Lastly. We take it to be very clear, that if any necessity or sufficient reason was foreseen at any time for the dispensing with this rule of the navy, it ought not to have been done without his majesty's consent in council; it being, as we conceive, a fundamental maxim in the government of the navy, and a most essential part of his majesty's prerogative, that no rule or establishment in the navy, whether written or unwritten, and customary, ought to be, or can regularly be abrogated, altered, or dispensed with, but by his majesty's consent in council, especially in so weighty a point as spending the public treasure so much faster than it need have been in the proportion abovementioned; and therefore we thought it expedient that the main question should have been put and voted in the affirmative, that this great and useful prerogative of the crown might by censuring what we take to be a breach thereof (though with the temper recommended from the throne) have been the better preserved for the future.——*(Signed,)* W. Ebor', Strafford, Masham, Uxbridge, Compton, North and Grey, Cowper, Trevor, Bristol, Guilford, Bathurst, Gower, Aberdeen."

Further Debate in the Lords on the Quakers' Affirmation Bill.] January 15. The Lords read the Quakers' Bill the second time, and a motion being made and the question put, That the said bill be committed, the same was opposed by the

Bishop of *Rochester*, who according to his former assertion, endeavoured to prove, that the Quakers were no Christians.

His lordship was seconded by the earl of Strafford, lord North and Grey, earl Coningsby, and his grace the archbishop of York; but they were answered by the earl of Sunderland, the duke of Argyle, the bishop of Peterborough, the earl of Ilay, and the earl of Macclesfield; and the question being put for committing the bill, was carried in the affirmative by 64 voices against 14.

Petition of the London Clergy against the said Bill.] Jan. 17. Their lordships were to go into a grand committee upon the said Bill, but were prevented by an unexpected Petition from some of the London Clergy, which was presented by the archbishop of York, and was as follows:

"To the right hon. the Lords Spiritual and Temporal in Parliament assembled. The humble Petition of the Clergy in, and about London. With all submission, Sheweth

"That there is a Bill now depending in your lordships' House, intituled 'An Act for granting 'the people called Quakers such a form of 'Affirmation or Declaration as may remove 'the difficulties which many of them lie 'under.' Which Bill, should it pass into a law, as it may, in its consequences, nearly affect the property of the subject in general, so it will in a more especial manner endanger the legal maintenance of the clergy by tythes; in as much as the people called Quakers pretend to deny the payment of tythes upon a principle of conscience, and therefore as your Petitioners apprehend, may be under strong inducements to ease their consciences in that respect by violating them in another, when their simple affirmation on behalf of friends of the same persuasion, shall pass in all courts of judicature for legal evidence.

"However, the injuries that your Petitioners in their private affairs may possibly suffer, are, as they ought to be, of small account with them in comparison of the mischiefs which may redound to the society from the indulgence intended, as it seems to imply, that justice may be duly administered, and government supported without the intervention of any solemn appeal to God as a witness of the truth of what is said, by all persons, in all cases, of great importance, to the common welfare; whereas your Petitioners are firmly persuaded, that an oath was instituted by God himself as the surest bond of fidelity among men, and hath been esteemed, and found to be so by the wisdom and experience of all nations in all ages.

"But that which chiefly moves your Petitioners to apply to your lordships, is, their serious concern lest the minds of good men should be grieved and wounded, and the enemies of Christianity triumph, when they shall see such condescensions made by a Christian legislature

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so a set of men who renounce the divine institutions of Christ, particularly that by which the faithful are initiated into his religion, and denominated Christians, and who cannot on this account, according to the uniform judgment, and practice of the Catholic church, be deemed worthy of that sacred name.

"Your Petitioners moreover crave leave to represent to your lordships, that upon the best information they can get, the instances wherein any Quaker hath refused the solemn affirmation prescribed by an act in the seventh and eighth year of William the 3rd, have from the passing that act to this day been exceeding rare, so that there might be ground to hope, that the continued use of the said solemn affirmation, would by degrees have intirely cured that people of all those unreasonable prejudices against an oath which the favour designed them by this bill may tend to strengthen and confirm.

"And your Petitioners humbly leave it to your lordships' wise deliberations, whether such an extraordinary indulgence granted to a people already, as is conceived, too numerous, may not contribute to multiply their sect, and tempt persons to profess themselves Quakers, in order to be exempted from the obligation of oaths, and to stand upon a foot of privilege not allowed to the best Christians in the kingdom.

"Your Petitioners therefore humbly hope, that these and other considerations, which may offer themselves to your lordships' great wisdom, may induce your lordships not to give your consent to the passing of this bill into a law. And your petitioners shall ever pray, &c."

The Archbishop of *York* spoke in behalf of this Petition, and moved, That it be received and read:

The lord North and Gray, the earl of Strafford, the bishop of Rochester, the earl Cowingsby, lord Trevor, earl Cowper, and lord Bathurst, supported the archbishop of York's motion; but the same was warmly opposed by the lord Townshend, earl of Scarborough, earl of Sunderland, lord Carteret, duke of Argyle, earl of Ilay, and the bishop of Peterborough; and the question being at last put thereupon, it was carried in the negative.

All the bishops present, except the two archbishops, the bishops of Oxford, Litchfield and Coventry, and Rochester, being against the Petition. In this debate, the bishop of Sarum proposed, that the Petitioners might have leave to withdraw their Petition; but this was opposed by

Lord *Sunderland*, who said, That a committee ought to be appointed to inquire into the authors and promoters of it; for he looked upon it to be no better than a libel.

Lord *Townshend* took notice of the irregular way in which the said Petition was presented, for if it was a petition of the London clergy it ought to be offered either by the bishop of that diocese, or the archbishop of Canterbury, whereas it was presented by the archbishop of York, who was metropolitan of another province. [illegible]

Then the question being put, That the said Petition be rejected, it was resolved in the affirmative, by 60 voices against 24.

Protest against rejecting the said Petition.] Whereupon the following Protest was entered:

"Dissentient'

"1. Because the right of petitioning in a legal manner to legal purposes does, we apprehend, appertain by law and usage to the free people of this realm, and is as essential to the subject, acting within his due bounds, as the liberty of debate is to the constitution of parliament: and this right, as it extends to the petitioning even for the repeal of acts now in force, by which the people think themselves aggrieved, so it justifies them yet more in representing their humble sense of any new law, while it is under the consideration of parliament; nor are the clergy, we presume, less privileged in relation to the exercise of this right, than any other of his majesty's subjects. On the contrary, we believe them as worthy of enjoying it, and as capable of exerting it to wise and good ends, as any rank of private men in the kingdom.

"2. Because the petition so rejected is, in our opinion, proper and inoffensive, both as to the matter and the manner of it; since it partly relates to the peculiar rights of the clergy in point of tythes, and partly expresses their fears, as we conceive not altogether groundless, lest the sect of Quakers, already too numerous, should by this new indulgence be greatly multiplied, and lest the honour of religion should any ways suffer, and the foundations of government be shaken by what is intended; both which it is the particular duty of their function to uphold and secure. We are not therefore apprehensive, that it misbecame their characters to interpose on any of these important points: And the way in which they have done it, must seem to us free from exception, till some passages in their petition is pitched upon, as obnoxious, and censured by the House: which, as yet, hath not been done.

3. "Because the petition suggests a particular grievance, under which the clergy will suffer by this act, more than any other order of men; which as it had never been observed on the debates on the bill, so was allowed to deserve the consideration of the House. And therefore, had there been any other part of their petition less unexceptionable (as we apprehend there is not) yet we do not think that it was unreasonable to lay aside the whole on that account, and reject what was acknowledged fit to be considered, for the sake of what was thought improper to be offered.

4. "Because the clergy of London are not, in general, so liberally provided for, but that they have reason to be watchful to relation to any step that may unwarily be taken, towards diminishing their maintenance; which we look upon as not duly proportioned to their labours, in populous parishes, and to the various employments given them by infidels and heretics,

papists, and divers sects of men dissenting from the church established by law, with which this metropolis is known to abound. And as their situation gives them near opportunities of observing and knowing what may be stirred in parliament, to the prejudice of their order, so we cannot but think, that it becomes them to make use of that advantage, in behalf of their distant brethren, as often as need shall require; especially at a time when the representatives of the clergy are not attending in convocation, and in a readiness to exert their known right of applying to the legislature on all such occasions

"5. Because the London Clergy, from whence the petition came, are, in our opinion, and have been always esteemed, of great consideration, with respect to their extensive influence, and their ability to be serviceable to the state in important conjunctures From this body of men have proceeded many of the most eminent lights of the church, and ornaments of the bishops' bench, especially since the Revolution; and, in the reign preceding it, their never to be forgotten labours put a stop to the torrent of popery, then ready to overflow us. On which, and many other accounts, we cannot but wish, that the applications at any time made to this House by the City Clergy, might be received with regard and tenderness, and a more than ordinary indulgence allowed them, at a time when so great favours are about to be bestowed on the professed oppugners of their function and maintenance.

"6 Because by experience, we find, that the treating in this manner a petition from any great and considerable body of men is not the best way to allay the jealousies, and extinguish the uneasiness that occasioned it: a very contrary effect having followed (according to the best of our observation) from the rejecting a petition lately offered by the city of London; And the oftener such instances are repeated, the more, we fear, the disaffection of the people will encrease, who, thinking themselves under hardships, from which they desire to be relieved, may look upon it, as a new and yet greater hardship not to be heard; and though the modest and dutiful demeanor of the clergy should no ways contribute to these consequences, yet we know not how far this may be the case with respect to their flocks, to whom their persons and characters are dear, and who may therefore be induced, by the reverence they bear to their pastors, to express as much concern on their account, as they would do on their own. for which reason it was our earnest desire, that this second, and, in our opinion, dangerous experiment might not have been made *.——*(Signed,)* W. Ebor', Weston, Uxbridge, Scarsdale, Compton, Bristol, Conningsby, Strafford, Foley, Aberdeen, Gower, Trevor, Bingley, St. John de Bletsoe, Guilford, Cowper, North and Grey, Bathurst, Montjuy, Tran. Roffan'."

The Quakers' Affirmation Bill passes the Lords.] June 18. The Lords went into a Committee on the Quakers' bill: and after the reading of the first clause, the Archbishop of Canterbury moved, "That the Quakers' Affirmation might not be admitted in Courts of judicature, but among themselves;" and the Archbishop of York moved for a clause, "That the Quakers' Affirmation should not go in any suit at law for tythes," but the question being put thereupon, it was carried in the negative by 52 voices against 21.

Protest against it.] Jan. 19. The Bill was read the third time, and the question being put, "That the Bill do pass," it was resolved in the affirmative.

"Dissentient' W. Cant. Jo. Oxon.

"1 Because the privileges allowed by this Bill to the Quakers are without example, and no ways proportioned to the steps formerly takes towards a gradual indulgence of them; for whereas they have been hitherto under the real obligation of an oath, though dispensed with as to some formalities, with respect to the manner of wording and taking it, they are now altogether released both from the form and substance of an oath, and admitted to profess fidelity and give testimony upon their simple affirmation; nor are these great privileges indulged to them, as the less were, from time to time, and by degrees, but are at once made perpetual.

"2. Because we look upon the Quakers, who reject the two sacraments of Christ, and are, as far as they so do, unworthy of the name of Christians, to be on that account unworthy also of receiving such distinguishing marks of favour.

"3. Because the Quakers, as they renounce the institutions of Christ, so have not given even the evidence by law required of their belief of his divinity, it no ways appearing to us, nor do we believe it can be made appear, that ever since they were first indulged, 1 W & M. one Quaker in an hundred hath subscribed the profession of Christian belief directed by that act; nor could we, upon a motion made in the House, prevail that they should even now be obliged, by such previous subscription, to intitle themselves to the new and extraordinary favours designed them; the consequence of which must, in our opinion, be, that they will encourage themselves yet further in their aversion to subscribe that profession of Christian belief, which they seem more to decline than even the taking of an oath, since great numbers of them have sworn, though very few have subscribed that profession; nor are we without apprehensions, that it may reflect some dishonour on the Christian faith, if the evidence given by such persons, on their bare word, shall, by law, be judged of equal credit with the solemn oath of an acknowledged Christian and sincere member of the established communion,

* This Protest was expunged by order of the 5th of March following.

"4. Because we look upon it as highly unreasonable, that in a kingdom where the nobles, the clergy and commons are obliged to swear fealty to the crown, and even the sovereign himself takes an oath at his coronation, a particular sect of men, who refuse to serve the state either as civil officers or soldiers, should be naturaly released from that obligation; since it is natural to expect, that persons thus indulged, as to the manner and the measure of performing their allegiance, should, by degrees, be induced totally to withdraw it, until they become as bad subjects as Christians.

"5. Because, though such extraordinary privileges are allowed to the sect of Quakers by this bill, yet there is no mark or test prescribed by it, or by any other act, by which it may certainly be known who are Quakers, and consequently who are or are not intitled to those privileges; from whence this inconvenience may arise, that many not really Quakers may yet shelter themselves under the cover of that name, on purpose to be released from the obligation of oaths; it not being, we conceive, in the power of the magistrate, as this bill stands, to oblige any person to take an oath, who at the time of tendering it shall profess himself a Quaker; so that the concessions now made to that sect may prove a great inlet to hypocrisy and falshood, and will naturally tend towards increasing their numbers, which we rather wish may be every day diminished.

"6. Because we do not apprehend, that the Quakers, as a sect, are really under such scruples in point of an oath, that it is necessary to ease them by such an act, few of them having for five and twenty years past, since their solemn affirmation, equivalent to an oath, was enacted, ever refused to comply with it; and should this have now and then happened, yet when the great body of any sort of sectaries are at ease in their consciences, the scruples of a few, we think, ought not to be regarded, especially if continuing the law now in force will probably extinguish those scruples; and the repeal of it will certainly give new life and strength to them.

"7. Because the security of the subject's property, which depends upon testimony, seems to us to be lessened by this act; the reverence of an oath having been always observed to operate farther towards the discovery of truth, than any other less solemn form of asseveration; nor can the Quakers be excepted in this case, whose awful apprehensions of an oath appear from their earnest endeavours to decline it, and therefore, where the payment of tithes, by them held to be sinful, is concerned, they will have strong inducements to disguise the truth, in what they simply affirm, rather than wound their consciences and credit, by contributing towards the support of such antichristian payment; in other cases of property, their interest only will clash with their veracity; but the double motive of interest and conscience will influence them with respect to the clergy, whose calling and maintenance they usually condemn.

"8 Because the inducement mentioned in the bill towards granting the Quakers those favours, that they are well affected to the government, a position of which we have some doubt, might, we apprehend, be improved into a reason for granting the like favours to Deists, Arians, Jews, and even to Heathens themselves; all of which may possibly be, as some of them certainly are, friends to the government; however their friendship, we presume, would be cultivated at too great an expence, if, for the sake of it, any thing should be done by the legislature which might weaken the security of all governments, an oath; and by that means do more mischief to the state in one respect, than it brought advantage in another: and we the rather thus choose to reason, because an argument was urged in the debate, and no ways disallowed, That if Heathens themselves were equally of use to the state, as the Quakers are, they ought also, equally by law, to be indulged, whereas our firm persuasion is, that as no man should be persecuted for his opinions in religion, so neither should any man, who is known to avow principles destructive of Christianity, however useful he may otherwise be to the state, be encouraged by a law, made purposely in his favour, to continue in those principles—*(Signed,)* W. Ebor', Fra. Roffen', Compton, Montjoy, Strafford, Trevor, Gower, Salisbury, Aberdeen, St. John de Bletsho, Fran. Cestrien's."

Mr. Hutcheson's Speech on the Bill for better securing the Freedom of Elections.] January 23 The Bill 'For better securing the Freedom 'of Elections of Members to serve in Parlia-'ment' was read a second time. Upon which Mr. *Archibald Hutcheson* stood up and spoke for the committing the same, as follows:

"Mr. Speaker;

"Though I think the necessity of the Bill which has been read to you, is of itself a sufficient argument for it, yet since I was one of those who had the honour of your commands for bringing it in, it may, perhaps, be expected that I should say something upon it. As therefore there is too much reason to apprehend, that this is the last struggle you are ever like to have for the preservation of your rights and liberties; so certainly the efforts of every honest man are more than ordinarily requisite at this critical juncture, to procure, if it be possible, the choice of a free and independent parliament, that being the only means, under Providence, which can save you from that state of ruin and confusion which seem so immediately to threaten, and to hang over you. If you should have the misfortune to miscarry, and that the majority of this House should hereafter be composed of persons, who have views and schemes to pursue repugnant to the common good and ease of their country, what else must you then expect but the continuance at least, if not the increase, of those heavy burthens you have already upon you, and nt every turn to see the honour and dignity of parlia-

ment basely prostituted to the destructive measures of those, who shall then happen to be in power, which, without other means of violence could not be justified and supported? If you should be plunged into an unnecessary and expensive war, if your trade and interest should be sacrificed to the service of other princes, and it may be, that done too, only to engage them to the concession of foreign provinces and acquisitions, in which Britain has not the least concern, what redress could our country hope for, even under such grievances, from patriots who had themselves contributed towards them, or were the mercenary tools and dependents of those who had? All manner of licentiousness and public frauds would then have their open and avowed advocates; and it would be no wonder to see the greatest criminals escape unpunished, when the power of remission and pardon of crimes were so much in their own hands

"It is too notorious what attempts are now carrying on to invade the freedom of your approaching elections, in some places by threats, to fill and overawe them with the quartering of troops, if they do not comply, in others, by the corrupt solicitations of agents and undertakers, employed by those who, from the incredible sums which are dispersed, one must imagine, have more than private purses at their command.

"But what, in God's name, can all this tend to? What other construction can any man in common sense put upon all these things, but that there seems to have been a formed design, by violence and oppression, first to humble you and to make your necks pliable to the yoke that is designed for you, and then to finish the work by tempting the poverty and necessities of the people, to sell themselves into the most abject and detestable slavery, for that very money which had been either unnecessarily raised, or mercilessly and unjustly plundered and torn from their very bowels? And thus you may be in a fair way of being subdued by your own weapons. Nor can I imagine what inducement men can have, who run from borough to borough, and purchase their elections at such extravagant rates, unless it be from a strong expectation of being well repaid for their votes, and of receiving ample recompence and rewards for the secret service they have covenanted to perform here. In this situation, it is high time for gentlemen to put themselves upon their guard; and if it be not already too late, to endeavour to put a stop to the course of those evils, which are otherwise likely so soon to overtake them. It is for these purposes that this Bill is now before you, and I hope it either is, or by your assistance will be made such, as may fully answer the ends for which you were pleased to order it to be brought in.

"The abuses in the manner of dispatching your writs to the sheriffs, were the motives which first led you into this consideration. I am persuaded the method here prescribed to regulate that matter, will be found so easy and practicable, and so little liable to any objection, that it would be needless in me to take up your time in enlarging upon that head. But for the penalties upon false returns, unless they are settled on the severest and most rigorous terms, it will be in vain for you to contend with sheriffs and returning officers, who, instead of the people in whom the right is and ought to be lodged, will draw the whole power of elections into their own hands, and therefore they ought to be tyed up to such strict rules, as that they shall never dare, upon any account whatsoever to depart from them, much less to be subject to those sort of influences, which, of all others, you have most reason to be jealous of. We know that persons heretofore have not only bribed the returning officer, but have even indemnified him against the whole penalty of 500*l* rather than not get the return, right or wrong, in favour of themselves; depending, I suppose, upon the strength and partiality of their friends, to maintain them, at any rate, in the unjustifiable possession of a seat here; this has been practised upon former occasions, and therefore there is always just grounds to suspect it will be attempted again. And it is now come to such a pass, that if you were even to double that penalty, without doing something else, I am afraid it would have little or no effect. But when all those bonds of indemnity are declared null and void, when the securities usually given and taken upon these occasions are withdrawn, they may then, perhaps, be deterred, at least from so barefaced a practice of these arbitrary and illegal proceedings for the future.

"Another expedient for securing the freedom of your elections, and which, I think, will more effectually contribute towards it, than any one thing whatsoever, is the annulling the votes of those swarms of officers in the customs and excise; they are already subjected to the penalty of 100*l*. if they shall presume to intermeddle; this therefore is no more than a natural consequence, and a necessary enforcement of what you have done before. The commissioners themselves of those branches of the revenue have been for some time under a legal incapacity of sitting here, as being thought under such strong ties and influences, in regard to their employments, as were inconsistent with that freedom with which men ought to act in parliament; certainly then the same reason will hold good as to the votes of them and their inferior officers, especially in matters that so nearly relate to it. There is likewise a proviso, that no person shall be capable of possessing any of these offices, for a certain time to be limited, after they shall have tendered their votes in any election; and the reason of that is very plain; without it all this disability would signify nothing, for by displacing them just to serve a turn, and restoring them again immediately after, the whole force of this clause would be entirely defeated

"I make no doubt but the intention was very

just and commendable of the gentlemen who brought in the Qualification Act, which was certainly designed to establish a landed property in parliament, without which, I will venture to say, it will be impossible you should be safe; but that matter stands at present upon so loose a foot, that I am afraid it has hitherto been of very little use or service to you. What dependence, for instance, can you have upon a man who has no more than 300*l.* a year in land, or, perhaps, only an annuity of that value for life, and has at the same time 30 or 40,000*l.* in the funds, or an employment of 2 or 3,000*l.* a year civil or military from the crown? And even that small qualification is no otherwise obligatory upon him, but merely to swear to his having it, if it be required, at the time of his election; for though he sells it, or otherwise divests himself of it immediately after, yet it remains a doubt, whether, by so doing, he shall vacate his seat in parliament. This is certainly such an omission as requires to be better regulated and explained. There is likewise a saving in that act in favour of eldest sons of peers, and the same for those of commoners of 600*l.* a year; but I confess I am at a loss to find out upon what grounds the latter was inserted, unless care had been taken at the same time to have obliged the father or the son to have proved the possession of such an estate, for at present, let the circumstances of the family be what they will, if the eldest son can procure himself to be elected, I cannot see but he is intitled to a seat here, without any farther examination whatsoever. This is another defect so gross in your former act, and opens a back door to so many persons, so entirely contrary to the intent and meaning of it, that it very well justifies the repeal of it by this bill, I mean so far only as relates to the eldest sons of commoners.

"Whether the House will be willing to enact it by a clause, must be submitted to them, I only take the liberty to mention, that it were very much to be wished, that gentlemen of estates and families in the country would heartily unite in this particular, of keeping the elections in their several counties among themselves; that they would resolve inviolably to support each other's interest against the incroachments and corrupt applications of strangers, let them come from what quarter they will. If this were done, it would, in a great measure, put an end to those dangerous and infamous practices that are now on foot, and we might hope once more to see this House filled with gentlemen of free and independent fortunes, such as would be above making their court any where at the expence of their country, and would despise all manner of slavish concessions to men in power; ministers would then be neither able to screen themselves, or their friends, against your inquiries; and the boldest and most enterprising of them would be made to tremble at the apprehensions of your animadversions upon them; nor should we then, it is to be hoped, at tamely here, and see our country harrassed with the expences of fruitless expeditions abroad, and with the maintenance of a standing army at home dangerous to our constitution and liberties.

"There are other parts of this bill, which I had like to have omitted to have spoken to, which are designed, if possible, to put a stop to that torrent of bribery and corruption, which the iniquity of the times has let in upon you; and though I have very little prospect of any good effect that way, and whatsoever the fate of this bill may be, every gentleman, I dare swear, will so far agree, that some method should be taken to prevent such practices, or the kingdom must be undone. If at this time you had men at the head of your administration, who had ever been charged with, or any way convicted of such crimes, I own it would be in vain to propose this, or any other method, to punish and discourage it. Were it possible to believe, that the influences of such men could prevail here, or in any other branch of the legislature, it would then be no wonder to see this bill miscarry, or to hear it treated as a composition of absurdities, or as a violation of the birthrights of great numbers of his majesty's best subjects. But at present this shall be no reason with me to anticipate so much ill fortune to it, since it is plain it could come before you with no other view, but to restore the freedom and honour of parliament, to rescue the rights and liberties of our country, and to save, if it be possible, the poor remnant of our constitution. These are the considerations which occur to me in favour of this bill; and I humbly move you that it may be committed."

Accordingly the said Bill was committed to a Committee of the whole House.

Debate in the Lords on a Motion for the Instructions relating to the British Squadrons sent into the Baltic for several years past.] Jan. 25. The order of the day, for the House to be in a Committee to take into farther consideration the causes of contracting so large a Navy Debt; and the Instruction to the said Committee that they do, in the first place, consider of the occasion of that part of the said debt, which arises from having employed more men in the sea service in any year, than were provided for by parliament for such year, and from the not paying off all the seamen at winter, being called for, a motion was made, "That authentic Copies of the several Treaties, Instructions, and Orders, relating to the British squadrons being sent into the Baltic, for several years last past, be laid before the House, that the true occasion of that part of the Navy Debt, which the Committee is instructed to consider in the first place, may better appear, as also, that the Act of Settlement has not been infringed by these northern expeditions."

Hereupon a debate ensued, wherein lord Bathurst alledged, That the immense increase of the National Debt was owing to the great number of ships that had been employed in the

Baltic and Mediterranean; the great numbers of seamen in those ships, and the keeping those seamen in pay during the winter season; concluding, that, in his opinion, those extraordinary expences were not necessary for the service of Great Britain. His lordship was supported by the lord North and Grey, the earl Cowper, the earl of Strafford, the bishop of Rochester, the lord Trevor, and the earl Coningsby: but they were opposed by the earl of Sunderland, lord Townsend, duke of Argyle, earl of Ilay, and the duke of Newcastle.

Protest against rejecting it.] The question being put, it was resolved in the negative.

"Dissentient'

"1. Because it being now admitted by the House, in the instruction given to the Committee, that the Navy-Debt was increased by employing more men in the sea-service yearly than were provided for by parliament, and by the not paying them off in the winter; the intention of the House in that instruction must, in our opinion, manifestly be to direct the Committee to inquire into the true occasion and reasonableness of those services, by which the Navy-Debt was increased; and that end could not, we think, be any ways attained without a sight of those treaties, instructions and orders, upon which those services were founded, since the considering the occasion of an extraordinary acknowledged expence must, we conceive, imply an inquiry into the true causes for which such an expence was made; we did therefore think it necessary to desire copies of the treaties, instructions and orders relating to the several Baltic expeditions, because without them we could not possibly learn the true reasons of those expeditions; and it seemed to us incongruous that the House should direct an inquiry, and not contribute to it, by directing also those materials to be laid before the Committee, which alone could render such an inquiry effectual.

"2 Because the want of such authentic papers and instructions could no ways, we think, be supplied by any verbal representations, that might be made by lords in the ministry, as facts occurred to their memory in the debate; this being no sufficient foundation for any parliamentary inquiry, much less for such a one as tends to approve, excuse, or blame the measures of those in power; since we cannot think it suitable either to the rules of reason or the dignity of this House, to proceed to resolutions relating to the conduct of ministers upon facts stated by the ministers themselves.

"3. Because motions for such papers and instruments have been frequently made and complied with, nor hath any such motion ever (as far as we can learn) till of late been refused; the only paper included in the general motion that we thought any ways doubtful whether we should obtain, was the lord Carteret's instructions, which was moved for before, in this session, without success; however, we had hopes of prevailing even for a sight of that paper, when it became necessary, as we apprehend, to qualify the Committee of the whole House to do the work appointed by the House.

"4. Because the great increase of the Navy-Debt arose from the frequent sending of strong squadrons to the Baltic, and continuing them there at seasons of the year when the British fleet has seldom been known to be employed so far from home, and in so rugged a climate; and therefore we thought it reasonable to expect the fullest satisfaction in our inquiries into the grounds of expeditions, which had been carried on in so unusual, expensive and hazardous a manner; which the more extraordinary they were, the more they needed, in every respect, to be cleared and justified, that misapprehensions prevailing without doors, in relation to those Northern transactions, might be rectified, and such precedents might not remain without the reasons on which they were founded; whereas we are now apprehensive, that any resolutions on this head may lose much of their weight and influence, should they be known to have been framed upon the facts barely asserted by the ministers, without evidence of any sort to prove the truth of those facts.

"5. Because one great view we had in our motion for those papers was to satisfy ourselves and others, that the Act of Settlement had been no ways infringed by those Northern expeditions, a point of the utmost consequence to the present establishment, and on which therefore all our care and circumspection ought to be employed: It is the birthright of the peerage, as to concur in the enacting all laws, so to inquire into the observation of them; and the more momentous the laws is, the more it becomes us to consider how far it hath or hath not been violated, and one great inducement to our inquiry into the observation of that law, was the jealousy entertained (as we conceive) on that head, by many of his majesty's good subjects, observing that the war in the North ended at last in a peace, which stripped Sweden of all its best provinces, and confirmed the acquisition of them to the several Northern powers concerned, without any particular advantage, that we hear of, stipulated in behalf of Great-Britain, besides that of a new guarantee for the Protestant succession: A sight of the said treaties, instructions and orders might perhaps have dispelled these apprehensions; and therefore we thought it our duty to move for them, and to express our concern that such a motion was over-ruled; for we cannot think the argument used to discourage us from insisting on that motion (that it amounted to an inquiry whether the King had broke his Coronation oath) was consistent with the freedom of Parliamentary Debates, or agreeable to the known rules of our constitution, which free the crown from all blame, and suppose those only who give pernicious counsels answerable for the fatal effects of them.——*(Signed,)* W. Ebor', Boyle, Foley, Weston, Bristol, St. John de Bletsho, Montjoy, Bingley, Scarsdale, Aberdeen, Compton, Fr. Ces-

triens', *Fr.* Roffen', Guilford, Strafford, North and Grey, Uxbridge, Aylesford, Gower, Bathurst, Trevor, Cowper."

Resolutions of the Lords touching the Navy-Debt.] Then the House, according to order, was adjourned during pleasure, and put into the said Committee. And after some time spent therein, the House was resumed, and the earl of Clarendon reported the two following Resolutions:

"1. That it is the opinion of this Committee, that the employing great numbers of seamen for several years last past, more than were provided for by parliament, and thereby increasing the Debt of the Navy, was occasioned by services which either were pursuant to the previous advice, or had the subsequent approbation of one or both Houses of parliament, and which were also necessary for the safety of the kingdom, and the tranquillity of Europe.

"2. That the nature of the said services necessarily requiring some of his majesty's squadrons to be kept out the whole year, and detaining others abroad till the months of November or December; and it being requisite to fit out the said squadrons in the month of February or the beginning of March, in order to their sailing early in the spring, the paying them off, upon their return, was inconsistent with the due performance of those services; nor could the saving (if any) by such payment have in any degree made amends for the ill consequences which must thereby have arisen from the disappointment to the service."

Protest against the first Resolution.] The first of the said Resolutions being read a second time, the question was put, whether to agree with the Committee in this Resolution? It was resolved in the Affirmative:

"Dissentient

"1. Because this resolution seems to clash with the instruction from whence it sprung, which was to consider the occasion of the increase of the Navy-Debt that arose from employing more men in the sea-service than were provided for by parliament; whereas from the resolution it appears only, that the services occasioned the debt, not what real occasion or reason there was for those services, which yet was the point we suppose chiefly in view, and most worthy of a parliamentary inquiry.

"2. Because those services are, in this resolution, supposed to be justified by the previous advice or subsequent approbation of one or both Houses of Parliament; whereas it did not any way appear to us that either House of Parliament had previously advised, or subsequently approved such services, though the vouchers in that respect were often and expressly required; nor doth it appear to us, how that assertion is warranted, either by general expressions in votes and addresses, or by a state of the Navy-Debt communicated every year to the parliament; and therefore being still in the dark, as to the evidence pointed at, we could wish that the growth of the Navy-Debt had been explained and justified by an inquiry into the ends and reasons for which it was contracted; but this way not being taken nor being possible to be taken, till the treaties, instructions and orders requisite to this purpose are produced, we know not in what sense either those sea-services, or that great Navy-Debt they caused, may be said to have been approved by this or the other House of Parliament.

3. "But had we been duly informed of the true motives upon which those services were undertaken, and thereby enabled to judge of their reasonableness, (as, we think, we in no degree were) yet we still must be of opinion, that those considerations, how important soever, would not have justified the exceeding the number of men asked of and allowed by parliament, which nothing but absolute and unforeseen necessity can ever excuse; whereas the occasions of these extraordinary expences were foreseen, and the fleets were sent out for many years successively, (the parliament sitting) without any previous demands made of such supplies as were proportioned to the expence intended; and we are further of opinion, that whenever such a debt is unavoidably incurred, it should be especially stated to the parliament, together with the necessity that occasioned it, at their next assembling, that the excuse may be then either allowed or censured, and the exceedings provided for in time, instead of being offered to run on for many years together, till an insupportable debt is contracted, without any other notice taken of the reason of its growth, than the laying annually a general state of the debt on the table of the House of Commons. This we conceive to have been the case, and, if it be, we think, we do not err in affirming, that had the services appeared to have been necessary, yet this manner of increasing the debt would not have been warranted.

4. "Neither can we apprehend, how the safety of the kingdom depended upon those extraordinary services, some of which were performed in the Mediterranean, others in the Baltic, against powers not at enmity with Great-Britain, whose friendship (it seems to us) we should rather have cultivated, and whose resentments we had, and still have (we fear) reason to apprehend. we cannot but think it the true interest of Great-Britain, to intermeddle as little as is possible in the quarrels of Europe; and then, by our good offices chiefly, without declaring any resolution to support our mediation by force, or making ourselves either principals or parties in wars that do not immediately concern us. We look upon our navy (the natural security of our Island) as too much hazarded, and some chief branches of our trade as highly endangered, by the consequences of those remote expeditions; nor are we yet satisfied, that the peace, by us mediated and concluded in the North, hath not made the provision of Naval Stores for our fleet more

precarious than formerly, though on that single article the safety of the kingdom may possibly depend, not can we judge the present tranquillity likely to last, since after all our expence the late Northern Peace hath reduced Sweden so low, and left the Czar in the possession of such provinces as may render him very formidable, and what matters may still remain unadjusted in treaties, whereby the present tranquillity may soon be disturbed, we cannot determine, since we have not been indulged in our desire of inspecting into those treaties.

——*(Signed)* W. Ebor', Aylesford, Foley, Scarsdale, Trevor, Aberdeen, St. John de Bletsho, Stratford, North and Grey, Fr. Roffen', Gower, Fran Cestriens', Boyle, Bathurst, Bristol, Weston, Uxbridge, Cowper, Guilford, Compton, Bingley"

Protest against the second Resolution.] Then the other Resolution being likewise read a second time, the question was put, whether to agree with the Committee in the said Resolution; it was resolved in the affirmative.

"Dissentient'

1. "Because that part of the question which concerns such of his majesty's ships, as are said, but not proved, to have been necessarily kept out the whole year, has not the least relation, as we conceive, to any thing that has been yet objected to; which was the not paying ships that came home before winter, and ought, by the antient usage of the navy, to have been paid off, and therefore, we cannot but think, was very improperly made part of the question.

2. "Because it being admitted in the question, that the ancient usage of the navy was, that all ships, when they returned home from their several voyages, should not be kept in pay during the winter, (as was the case of the late Baltic squadrons for some years past) and it not having been made appear, as we think, in a parliamentary way, that by any treaty with Sweden it was necessary to send ships sooner in any year, than might have been consistent with the said antient usage, we are of opinion, that the resolution will encourage the practice complained of, and will greatly contribute to make fleets, so much the honour and security of this kingdom, too chargeable to be supported.

3. "Because we cannot but be surprized, that there should be the least doubt, as in the question, whether any money might have been saved by paying off the men, when it appears by a paper upon the table, that several ship's companies, amounting to many thousands of men, have been kept in pay during the winter, which expence, we cannot but think, ought to have been avoided, it appearing from other papers and representations upon the table, that by paying the men off, more than five parts in six of the whole charge of those men, during the winter, had been saved to the public.

4. "Because a resolution of this House, that seems to countenance a practice of this sort, (at a time, when every way of getting money at the expence of the public, is found to be less in people's thoughts than formerly) may probably encourage those, who shall have opportunity in future times, too readily to contribute towards the increase of Navy-Debts, though they are attended with so many ill consequences, that his majesty, in a most gracious speech from the throne, has very lately been pleased to say, they do not only affect all public credit, but greatly increase the charge and expence of the current service and are, of all others, the most heavy and burthensome ——*(Signed)* W Ebor', Cowper, Trevor, North and Grey, Westoo, Compton, Uxbridge, Strafford, Bristol, Aylesford, Guilford, Boyle, F. Roffen. Bathurst, Scarsdale, Gower, F. Cestriens Aberdeen, Foley, St John de Bletsoe."

Debate in the Lords on the Motion, That Victualling the Ships abroad was one Cause of the Increase of the Navy-Debt.] February 1. The Lords, in a grand committee, resumed the consideration of the Navy-Debt; and the debate was opened by

The Earl of *Uxbridge* moving, That some Accounts and Orders, relating to the Victualling, when the fleets were to the Baltic and Mediterranean, might be read After the reading of those papers, his lordship endeavoured to shew, That one occasion of the increase of the Navy-Debt, was the ships being victualled abroad, by the commanders, and not by the proper officers of the Victualling Office, who are cheques upon one another; whereas the other way there might be great abuses, by commanders charging more to the government for the provisions, than they really cost.

The Lard *Torrington* thinking himself reflected upon, as he was commander in chief in the Mediterranean, endeavoured to justify himself from any imputation of that nature, and among other things alledged, That provisions were much dearer there than in England; that it was impossible to carry such quantities from hence, as would serve for any long time; and therefore they are obliged to buy them there at any rate."

His Lordship was supported by the lord Townshend and the earl of Ilay; and though the earl Cowper, the lord Bathurst, the earl of Strafford, and the earl Coningsby backed the earl of Uxbridge, yet the question being put, "That the Victualling his majesty's ships by any other than the Victuallers appointed for that service, is contrary to the course of the navy, and by taking away the proper cheques, is one great cause of contracting so large a Navy-Debt:" it was resolved in the negative without dividing.

Protest against rejecting it] "Dissentient'

1. "Because it being unquestionably the ancient course of the Navy to victual all his majesty's ships by the commissioners of the Victualling or their agents, unless in cases of necessity, and it appearing to us, by a paper re-

turned before this House from the Victualling-Office, that many ships and squadrons of ships have of late years been victualled by the commanders, very few of which were so victualled by any order, and amongst those many instances a few only were excused, because there were no agents for the Victualling-Office, nor any stores in the places where the ships then were; we think it reasonable to conclude that all the several victuallings in the said paper contained being much the greater number, which were neither excused therein, nor said to be ordered, were so provided without any order or excuse whatsoever; and consequently were a needless breach of the said good course of the navy, and by taking away the proper check made to save the public money must, in our opinion, necessarily have been one of the occasions of the increase of the Navy Debt.

2. "We cannot but observe, that if the said excuse had (in the paper above-mentioned) been applied to all the several instances there of victualling, in a manner contrary to the course of the navy, yet it had been insufficient, since it is not alledged that agents for the victualling and stores might not have been timely had in the places where the ships were victualled, if due notice had been given to the commissioners of the Victualling, and proper precautions and endeavours had been used to that end.

3. "We cannot but think, that carrying this question in the negative will undoubtedly encourage this breach of the course of the navy, as it is acknowledged to be, and in consequence put it into the power of every admiral or commander in chief of any squadron, and every commander of a particular ship, not only to furnish such provisions, both in quantity and quality, as they shall think fit, but by letting the men go on shore when in port, on pretence of supplying provisions, leave a charge on the public for want of the proper check, though to the detriment of the sea service.

4. "Because by this leave given to the commanders on the head of victualling they have it in their power (through the want of the said true and ancient check) to bring a very great charge upon the head of wages, which must undoubtedly, as we apprehend, occasion a great waste of the public treasure, and consequently an increase of the Navy-Debt.

5. "Because, we think, that to suppose the commander of any squadron or ship will not, when it is so entirely in his power, do what shall be for his interest, is to believe him less inclined to his interest than the generality of his fellow-subjects on shore.

6. "Because, we believe, if this House will not discourage taking away proper checks, till proof had (as urged in the debate) of what had been got by individuals for want of those checks, the delay and difficulties attending such an inquiry will probably hinder any discouragement being given to such practices, which are allowed to be contrary to the standing instructions to the commissioners of the Victualling, and to the commanders of his majesty's ships.——*(Signed.)* W. Ebor', North and Grey, Compton, Boyle, St. John de Bletsoe, Bathurst, Scarsdale, Trevor, Strafford, Craven, Guildford, Bingley, Litchfield, Aylesford, Bristol, Uxbridge, Cowper."

Protest on refusing to adjourn when the Lord Chancellor came into the House.] Feb. 5. The Lord Chancellor not coming to the House till the Lords had been met above two hours, and not having sent to the lord chief justice King, whom his majesty, by letters patent under the great seal, entered in the journal, had authorised to supply the place of the Lord Chancellor, in his lordship's absence,

Earl *Cowper* moved, That in order to go upon the business of the day, they should proceed to the choice of a Speaker, *pro interim*; and the dukes of Somerset and Kingston were named, but these going out of the House to avoid it, the lord Lechmere was named next, and like m be chosen; while this matter was debating,

The *Lord Chancellor* came in, and observing some uneasiness among the Lords, acquainted the House, "That he, having been summoned to attend his majesty at St. James's, had accordingly waited upon his majesty there, where he was detained, longer than he could foresee, by his majesty's command; and that as soon as he was at liberty, he came hither with the utmost expedition; and asked pardon for his stay of the Lords, who had been so long kept in expectation of him."

Several lords would not admit of that excuse, but suggested, That the House of Peers, being the greatest council in the kingdom, to which all other councils ought to give way, ought not to be made to wait on any account; and therefore moved, That, in order to shew their resentment, the House should adjourn to the Monday following; but the question being put thereupon, was carried in the negative, by 49 voices against 31.

Hereupon the following Protest was entered:

"Dissentient'

"1. Because the House standing adjourned to this day at eleven o'clock, and a great number of lords being met, and expecting the coming of their Speaker till near three o'clock, they seemed to us generally to resent this usage, and without any dissent, that we could perceive, proceeded, according to the standing order of this House, towards chusing a Speaker; but meeting with some difficulties as to the persons nominated, the Lord Chancellor came before any choice made; and as soon as the House was sat, the Lord Chancellor alledged, as the reason of his long absence, that he had been summoned to attend his majesty at St. James's, where the business had lasted much longer than was expected; which excuse, though it might in great measure free the Lord Chancellor from the imputation of wilful neglect of duty, yet it seemed to us in no degree to justify the indignity which we think was upon the whole

matter done to the House, which is undoubtedly the greatest council in the kingdom, to which all other councils ought to give way, and not that to any other; and therefore the business of any other council ought not to have detained the Speaker of this House after the hour appointed for its meeting, and during the time of the day the House has usually of late spent in business; and therefore we thought the least resentment the House could shew on this occasion, to prevent its being used so for the future, was to adjourn without entering on any business, and this the rather, because we foresaw it could not obstruct any public affairs, since the time was so far spent, as that no business of consequence could well have been gone through with effect, though entered upon.

"2 As we may venture to say, that the dignity of this House has not been of late years increasing, so we are unwilling that any thing, we conceive to be a gross neglect of it, should pass without some note on our records, that we were sensible of such neglect, and did not approve it; which we thought would have been in some measure attained by an immediate adjournment, nor was any other method proposed; and since that could not be effected we enter this dissent, with our Reasons, that it may appear to posterity we were zealous to withstand, in a manner proposed, the further progress of a practice so injurious, as we conceive, to the honour and authority of this supreme council.—(*Signed,*) W. Ebor', Uxbridge, Weston, Boyle, Cowper, Somerset, Scarsdale, Bingley, Maynard, Guilford, North and Grey, Litchfield, Bathurst, Osborne, Strafford, Clovan, Montjoy, Trevor, Ashburnham, Bristol, Foley, St. John de Bletsoe, Tran. Cestriens', Aberdeen, Compton."

Sir John Cope charges Mr. Baron Page with endeavouring to corrupt the Borough of Banbury.] February 1. Sir John Cope, bart. member for Tavistock, charged sir Francis Page,* one of the barons of the Exchequer, with endeavouring to corrupt the borough of Banbury in the county of Oxon, in order to procure sir William Codrington to be chosen a representative for the said borough in the ensuing election. The sum of this Charge was, that Mr. Baron Page had not only offered to the said Corporation to forgive them six or seven hundred pounds, they owed him for their new charter, but likewise to give them another large sum in ready money, which sir John Cope having offered to prove by undeniable evidence, set the whole House into a flame; and some members were for censuring the Baron immediately; but

Mr. *Robert Walpole* moderated that heat, representing, "That it was unreasonable to arraign, condemn, and censure a man, especially one in so eminent a station, before they heard what he had to say in his own vindication; and besides, that it would look like prejudging the merits of the election of that borough; and therefore he was of opinion, they ought not to take any notice of that Complaint, until the election was over, and then, if any thing of that nature appeared, the House might proceed to censure as they should think fit."

He was supported by several other members of the Court-Party, who alledged, That when they should hear what Mr. Baron Page had to say for himself, the matter might appear quite otherwise; and that the gentleman who accused him, might be either misinformed, or imposed upon. Hereupon the matter of the said Charge was ordered to be heard at the bar of the House the 13th.

Feb. 2. Ordered, That the Complaint made yesterday, by sir John Cope, bart a member of this House, against Mr. Baron Page, be by him put into writing, and delivered to the clerk of this House. And that a copy of the said Charge be delivered to Mr Baron Page.

Sir John Cope accordingly delivered the said Charge in writing, to the clerk of this House: Which is as follows; viz.

'That Mr. Baron Page hath endeavoured to

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* This was the notorious Judge Page so repeatedly mentioned by Pope:

"Morality, by her false guardians drawn,
"Chicane in furs, and Casuistry in lawn,
"Gasps, as they straiten at each end the
"cord,
"And dies, when Dullness gives her Page the
"word.

"Slander or poison dread from Delia's rage,
"Hard words or hanging, if your Judge be
"Page"

"There was a judge of this name, always ready to hang any man that came in his way, of which he was suffered to give a hundred miserable examples during a long life, even to his dotage."—Pope.

"In the early editions of Pope's Works, a blank was left for the word Page, in the above couplet The judge, conceiving that his name was meant to fill it up, sent his clerk to Mr. Pope to complain of the insult Pope told the young man that the blank might be supplied by many monosyllables other than the judge's name:—'But, Sir,' said the clerk, 'the judge 'says, that no other word will make sense of 'the passage' 'So then it seems,' says Pope, 'your master is not only a judge but a poet; 'as that is the case, the odds are against me. 'Give my respects to the judge, and tell him, 'I will not contend with one that has the ad-'vantage of me, and he may fill up the blank as 'he pleases."—Dr Johnson's Life of Pope.

Judge Page presided at the trial of Savage the poet, for the murder of Mr. Sinclair "Had Savage's audience," says Dr Johnson, "been his judges, he had undoubtedly been acquitted; but judge Page, who was then on the bench,

'corrupt the borough of Banbury, in the county 'of Oxon, for the ensuing election of a burgess 'to serve in parliament for the said borough.

'J. COPE.'

Ordered, That sir John Cope, and Mr. Baron Page, be heard at the bar of this House, by their counsel, upon the matter of the said Charge, if they think fit.

The Charge against Mr. Baron Page heard.] February 13. The House went upon the Complaint of sir John Cope, bart. against Mr. Baron Page, for endeavouring to corrupt several of the leading members of the Corporation of Banbury against the next election, and to aggravate the matter, sir John Cope acquainted the House, that he was informed, that some of his Evidences had been tampered with; and that there was one Mr. Gregory at the door, who could give the House an account thereof. Mr. Gregory having thereupon been called in, and examined, sir John Cope moved, That the matter of the said Charge might be referred to the consideration of a committee, upon oath; but this was opposed by the Courtiers, who urged, That the said Complaint was already ordered to be heard at the bar of this House this day, and the question being put, that the hearing the matter of the said Charge at the bar of this House be discharged, it was carried in the negative by 176 voices against 135.

Then sir John Cope moved, and the question was proposed, That the Witnesses to be examined in the matter of this Charge, be examined at the bar of this House in the most solemn manner; but the previous question being put, That the question be now put, it passed in the negative by 144 votes against 142.

Then the Counsel for Mr. Baron Page being called in, and the Charge of sir John Cope against him read, the mayor of Banbury, and other witnesses, were called in, and examined by sir John Cope; after which, the Counsel for Mr. Baron Page was heard, and a witness examined.

The Witnesses for sir John Cope declared, That Mr Baron Page being with sir Adolphus Oughton, and sir William Codrington in the Town-Hall at Banbury, Mr. Baron Page called the mayor and two or three of the aldermen into another room, and discoursing with them about a person to be set up at the next election to represent the Corporation, he proposed to them sir William Codrington. That they answered, They would be very glad to accept one of his recommendation, but added, That most other corporations made a considerable advantage of their elections; and they knew no reason why they should not do it as well as their neighbours; that they wanted to have their streets paved, an augmentation to their vicarage, and a school to be built; which the Corporation not being able to do of themselves, their stock being very low, they therefore expected, that the person who should be chosen should be at that expence, which, in all, might amount to 500*l.* or 600*l.* That thereupon the Baron told them, he did not expect such an answer; that they knew he had been very kind to the Corporation, and had been at a great charge, no less than 600*l.* or 700*l.* to procure them a new charter; that he never intended to ask that money of them, and if they would

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treated him with his usual insolence and severity, and when he had summed up the evidence, endeavoured to exasperate the jury, as Mr. Savage used to relate it, with this eloquent harangue:

"'Gentlemen of the jury; you are to consider, 'that Mr. Savage is a very great man, a much 'greater man than you or I, gentlemen of the 'jury; that he wears very fine clothes, much 'finer clothes than you or I, gentlemen of the 'jury; that he has abundance of money in his 'pocket, much more money than you or I, 'gentlemen of the jury; but, gentlemen of the 'jury, is it not a very hard case, gentlemen of 'the jury, that Mr. Savage should therefore kill 'you or me, gentlemen of the jury.'

"Mr. Savage, hearing his defence thus misrepresented, and the men who were to decide his fate, ignited against him by invidious comparisons, resolutely asserted, that his case was not candidly explained, and began to recapitulate what he had before said with regard to his condition, and the necessity of endeavouring to escape the expences of imprisonment; but the judge having ordered him to be silent, and repeated his orders without effect, commanded that he should be taken away from the bar by force."—Dr. Johnson's Life of Savage.

"Savage always continued to speak with anger of the insolence and partiality of Page,

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and a short time before his death revenged it by a satire, in which are the following lines:

"Of heart impure, and impotent of breed,
In hist'ry, rhet'ric, ethics, law, unread,
How far unlike such worthies! once a drudge,
From flound'ring in low cases rose a Judge.
Form'd to make pleaders laugh, his nonsense thunders,
And on low juries breathes contagious blunders.
His brothers blush, because no blush he knows,
Nor e'er 'one uncorrupted finger shows.'
See, drunk with pow'r the Circuit-lord express'd;
Full in his eyes his betters stand confess'd:
Whose wealth, birth, virtue, from a tongue so loose,
Scape not provincial vile buffoon abuse.
Still to what circuit is assign'd his name, [Fame.
There, swift before him, flies the warrier—
Contest stops short, Consent yields ev'ry cause
To Cost; Delay adores them and withdraws.
But how 'scape pris'ners? To their trial chain'd,
All, all shall stand condemn'd who stand arraign'd.
Dire guilt, which else would detestation cause,
Prepudg'd with insult wound'rous pity draws
But 'scapes av'n innocence his harsh harangue?
Alas!—ev'n Innocence itself must hang; [sent;
Must hang to please him, when of spleen possMust hang to bring forth an abortive jest."

order a release for it to be drawn up, he would readily sign it, which he did accordingly on the 22d of December last. That this was all that passed then; but that the Baron came afterwards to them, and offered them first 100*l.* and then came up to 500*l.*

It being late, the House adjourned the farther hearing of that matter to the next day.

Mr. Baron Page cleared by a Majority of four Votes only.] February 14. After the farther examining of Witnesses, and hearing of Mr. Baron Page's Counsel, a motion being made, and the question put, That it appeared to this House, that sir John Cope, bart. had made good his Charge against sir Francis Page, one of the Barons of his majesty's Exchequer, it was, after a long debate, carried in the negative, by 128 votes only against 124.

Debate in the Commons on the Bill to enable the South Sea Company to dispose of their Effects, &c.] February 16. The House went into a Committee upon a Bill, 'To enable the South 'Sea Company to dispose of the Effects in their 'hands by way of lottery or subscription, in 'order to pay the debts of the said Company.' Sir Thomas Crass being in the chair,

Mr. *Robert Walpole* offered a clause to be added to the Bill, 'To impower the South-Sea 'Company to dispose of part of their capital 'fund, not exceeding 200,000*l.* per annum, to 'any persons, body politic or corporate, to 'enable them to pay their debts.'

This clause was very strenuously opposed by Mr. Archibald Hutcheson, the lord Morpeth, general Ross, and Mr. Pulteney; who suggested, That this was but an ingraftment on other terms: that the South-Sea Company had desired no such power; but if they had it, the Directors would not fail making use of it, whether there was any occasion for it or not.

Mr. *Walpole* replied, He perceived, that because he had once declared himself in favour of an Ingraftment, every thing he proposed since appeared frightful, as though he were in the interest of another company, and not in that of the South-Sea; but that he took that opportunity to declare, that he had no manner of concern in the Bank, where, for a long time, he had not had one penny; whereas he had, at this very juncture, a considerable stock in the South-Sea Company, and therefore had reason to be for the interest of the latter, if he considered only his own; but that in this whole affair, he had the public good principally in view: and although he had been so much reflected on for being for an ingraftment, yet he would undertake to prove to any two unprejudiced gentlemen in that House, as plainly as figures could do, that an Ingraftment had been for the interest and advantage of the South-Sea Company. That as to this clause, he could not imagine, why any one concerned in the said Company, should be against their having as much power as they could, since it was in their choice, whether they would make use of it or not: that considering the present circumstances of affairs, the lowness of public credit, the parliament's drawing to an end, and how many accidents might happen before another session, he thought it could not hurt the Company to have power from the present parliament, to do what they might have occasion to apply for to a parliament, when, perhaps, none were sitting.

Hereupon the said Clause was agreed to, the Bill gone through;—and on the 23d read a third time and passed.

The Bill for securing the Freedom of Elections rejected by the Lords.] Feb. 13. The Lords read a second time, the bill, 'For the 'better securing the Freedom of Elections of 'Members to serve for the Commons in Parlia-'ment.' A motion being made that the said bill be committed, the earl of Sunderland endeavoured to shew the impossibility of several clauses in that bill being put in execution, without exposing the most innocent persons to the guilt of perjury. He was answered by lord North and Grey, lord Trevor, the bishop of Rochester, and the earl of Strafford; but the earl of Sunderland replied to them, and was supported by the lord Townshend, and the duke of Argyle.

Then the question being put, That the said Bill be committed, it was resolved in the negative, by 48 voices against 30.

Protest on rejecting the said Bill.] Then it being moved, That the said Bill be rejected, it was resolved in the affirmative by 57 against 38, viz.

Content - -	48	Not-Content	30
Proxies - - -	9—57	Proxies - - -	8—38

"Dissentient' Somerset.

"1. Because the methods of corruption made use of in elections, and now grown to an height beyond the example of preceding times, are, of all others, the greatest blemish to our constitution, and must, if not remedied, prove fatal to it; and did therefore chiefly deserve, as they can only admit of, a parliamentary cure.

"2. Because the Commons, who are the best qualified to judge of the growth of this evil, and to point out proper remedies for it, having sent up a Bill complaining of the one, and desiring our assistance in the other, it was not, we apprehend, suitable to the dignity and wisdom of this House to reject such a bill, without entering into a free discussion of the particulars of which it consisted, and thereby to give an handle for reflections without doors, as if we had shewn a less degree of zeal against the corruptions complained of than those from whose elections it sprung; our opinion is, that we should rather have taken this favourable opportunity of joining our endeavours with theirs, towards the cure of this evil, than have made ourselves liable to objections for refusing to attempt it, even after such an encouraging step taken by the House of Commons.

"3. Because a law against corruption,

though always desirable, is yet particularly seasonable and necessary at such a juncture as this, when new elections of members are coming on, and the parliament for which they shall (by what methods soever) be chosen, may continue for seven years, and, we think, the Lords are the more concerned to obviate the ill consequences of such a choice, because the Septennial-Act, which made so remarkable a change in our constitution, had its rise in this House

"4. Because we are persuaded, that by the terror of the penalties contained in this bill, which were to have operated soon after it had passed into a law, a mighty check would have been given to the growth of corruption, though it should not have been absolutely cured; and we are confirmed in this opinion by what we heard and believe, that while the bill was depending in parliament, and the fate of it unknown, the impious practices at which it was levelled were in some measure suspended; and should a further stop have been put to corruption and bribery at the approaching elections, by passing this bill, such a degree of success might have given the legislature hopes of an entire suppression of it

"5. Because supposing this bill to have been defective in some respects, and not well adjusted in others to the end designed (a supposition made, but not admitted by us) yet the true way of supplying all these defects, and making all proper alterations, would have been by committing the bill, and not by rejecting it: In other cases, where a bill of public concern is laid aside by the House, they can easily make amends for that loss by bringing in a new one, which may more effectually answer the good ends proposed, whereas in this case there is neither time sufficient for repeating the attempt, nor can any bill of this kind be ever begun in this House with any reasonable prospect of success

"6. Because the intention of many chief clauses in the bill is to provide for the more effectual execution of laws already made to secure the freedom of elections, but hitherto evaded for want of such provisions; and we know not that any argument hath been or can be used against passing such parts of this bill into a law, but what may with equal or greater strength be urged for repealing those laws, which yet are held sacred and inviolable.

"7. Because several oaths are, by laws now in being, required to qualify electors, and the oaths enjoined by this bill are intended only to strengthen the obligations under which such electors do, by the known rules of our constitution, already lie; nor are these oaths attended with any new hardship or difficulty, since they relate only to plain matters of fact, which are certainly known to the electors themselves, and which they will be ready to attest with all solemnity, if they are conscious of their own innocence; and if they are not, the legal punishment of perjury to which they are subjected is light, in comparison of the heinous nature of their offence, and the mischievous consequences of it

"8. Because that part of the bill, which forbids the issuing of public money towards influencing elections, relates to a method of corruption, which, of all others, ought the most carefully to be guarded against, and yet was admitted in the debate to have been frequently practised; and therefore we cannot but wish, that this bill had been passed into a law for the sake of that clause, which would have hindered what was given for the security of the subjects rights, and the safety of the kingdom, from being ever employed to the destruction of both: An example, if thus set by men in high offices and stations, cannot fail of spreading its influence through all ranks and orders of men, and procuring impunity and applause for such practices, as all true lovers of their country must wish might be universally detested and punished.

"9. Because we cannot understand how the objection made to this bill (That it removes foundations) can, with any colour of reason, be supported; on the contrary, we think, that the whole design of it is to recover our old constitution, and resettle it on those firm foundations from which it has been removed, ever since bribery has been made an usual inlet to parliament, and that dangerous traffic has been carried on between the electors and the elected, which has undermined the virtuous principles, and may prove fatal to the liberties of the free people of this realm.

"10. Because another argument insisted on in prejudice of the bill, (That it would give the House of Commons greater latitude in deciding disputed elections) seems to us to be equally groundless, for the penalties intended to be enacted by this bill are to take place only upon prosecutions in the ordinary courts of justice, and cannot come under the cognizance or be inflicted by the authority of the House of Commons, nor can the courts below be checked in their proceedings on this head by the determinations of that House, with which the methods of punishing corruption, prescribed by this bill, do not in the least interfere: What therefore was alledged in the debate can by no means be allowed, (That while the Commons are the sole judges of elections, it is in vain to think of restraining the corruption of electors) since the methods here prescribed are such, as either operate upon the conscience, or will, in the common course of law, execute themselves; and though they may be forwarded, yet cannot be frustrated by the intervention of an House of Commons.

"11. Because as the passing this bill would have been attended with no inconveniencies to the public, so great mischiefs may, we apprehend, ensue upon the rejecting it: The honour of this House may suffer on that account, and corruption of all sorts, will, we fear, receive new life and encouragement: it being a matter of daily and certain observation, that whenever a bill is brought into parliament to redress any great disorders in the state, any discountenance given to such a bill will always counte-

nence and increase such disorders, and make them less capable of a remedy in succeeding times, especially when it shall be affirmed in the debate, that all bills of this kind do more mischief than good; which way of reasoning, should it prevail, will effectually prevent all future attempts towards curing this great evil, and preserving the constitution of parliaments.
——*(Signed,)* Strafford, Keot, Cowper, Tadcaster, Uxbridge, Weston, Foley, Bathurst, Fran. Cestriens', Scarsdale, Bristol, Litchfield, Maynard, Boyle, Compton, Trevor, North and Grey, Salisbury, Guilford, Craven, Montjoy, Aylesford, Masham, Fr. Roffen', Bingley, Aberdeen."

The said Protest expunged.] In the course of this debate the earl of Sunderland having suggested, That it had been a common thing in former reigns for money to be issued out of the Treasury, and even remitted from France, for promoting the election of persons in the court interest. This suggestion was the reason of inserting in the said Protest these Expressions, 'That the issuing of public money towards the 'influencing elections, related to a method of 'corruption, which, of all others, ought the 'most carefully, to be guarded against, and yet 'was admitted, in the debate, to have been 'frequently practised.' On the 19th,

The Earl of *Sunderland* took from thence occasion to represent, That every member of that illustrious assembly, had, indeed, a right to dissent from, and protest against any Bill depending, or any Resolution taken in the House; but that it was an intolerable abuse to wrest any man's words, and put false constructions upon them, as had been done in an instance relating to himself: that he durst appeal to any lord in the House, that was not a Protester, whether, in the debate about the Bill above-mentioned, he said, or intimated, that the issuing public money for elections had ever been practised in this reign; for what he meant, was only in king Charles's and king James's time. His lordship added, that the business of Protests was managed now after another manner than formerly; for, at present, it was grown customary to protest even against bills that were passed into a law, and to get them printed, and handed about in coffee-houses, and sent all over the kingdom, to inflame the minds of the people against the administration; and therefore he thought it high time to have the method of Protesting regulated.

This speech was answered by the earl Cowper, who was backed by the lord North and Grey, lord bishop of Rochester, lord Bathurst, earl of Strafford, and earl of Aylesford; but they were replied to by the earl of Sunderland, duke of Wharton, lord Townshend, duke of Argyle, lord Carteret, lord Harcourt, and the duke of Newcastle, which last moved, for taking into consideration the Protestation entered in the Journal of this House the 13th instant, against rejecting the Bill 'for securing 'the Freedom of Elections of Members to serve 'for the Commons in Parliament,' and the several Reasons for the said Protestation being read, after debate the Question was put, Whether the entire entry of the Reasons for the said Protestation on the 13th instant, shall be expunged, it was resolved in the affirmative. Content 55, Not-Content 22.

Protest against expunging the said Protest.] Upon which the following Protest was entered on the Journals.

"Dissentiant'

1. "Because we are of opinion, that the reasons expunged were, both as to the matter and form of them, agreeable to precedents in former parliaments, still remaining on the Journals, uncensured by the House.

2 "Because we were very desirous that the arguments contained in those reasons, against bribery and corruption in elections, and our zeal for obtaining such remedies as were proposed by the Commons themselves, might appear to posterity as fully and particularly as possible.

3. "Because as the practice of expunging reasons is not ancient, so the method taken upon this occasion, of expunging many reasons of various kinds by one general question, is (we conceive) unreasonable in itself, and in countenanced but by one precedent on our books.
——*(Signed,)* W. Ebor', Cowper, Fr Roffen', Uxbridge, Aylesford, Boyle, North and Grey, Strafford, Aberdeen, Bathurst, Bingley, Fra. Cestrens', Foley, Ashburnham, Litchfield, Weston, Montjoy, Bristol, Guilford, Compton, Maynard."

Protest against adjourning the Consideration of the Navy-Debt.] Then the order of the day for the House to be in a committee again, to take into farther consideration the Causes of contracting so large a Navy-Debt, being read, the question was put, That the House be put into a committee again, to take into farther Consideration the Cause of contracting so large a Navy-Debt, on this day three weeks; it was resolved in the affirmative:

"Dissentient'

1. "Because the putting off the farther consideration of the causes of the Navy-Debt, to so distant a day, after so long an adjournment of the same matter already had, is, as we conceive, not only a discouragement and delay, but, as the session may happen to end, will totally prevent, at least during this session, that inquiry, which, as we apprehend, would greatly have tended to the public good, in hindering so large a Navy-Debt from being contracted for the future.

2. "Although the said inquiry has been a great while depending, yet a very few days, as appears by the Journal, have been allowed for it, and one of those was employed in reviewing two questions, which were at first kept from being put, by previous questions; and therefore we conceive, a few days more ought not

to have been denied, for the looking into a matter of so very great importance to the public.

3. "We apprehend, that all matters properly brought before either House of Parliament, especially inquiries into mismanagements of the public business, ought, if the time will allow it, to be freely and fully discussed and determined one way or other, and ought not to be kept off from coming to any determination, by one long adjournment after another, till the session be ended.

4. "Because it was alledged in the debate, as a Reason against so long an adjournment, That the subject-matter of the inquiry was not near exhausted; and that the points already considered and determined had no relation to those proposed to be considered in the farther inquiry; and consequently the determination of the former could in no degree prejudice the latter, or make the going upon them needless or improper: and to evince this, several of the particulars designed to have been proceeded upon were specified; as,

"That it appeared by extracts of several letters on the table, especially by a letter from the Navy-Board, dated the 13th of Feb. 1701, that the practice of turning over companies, or part of companies, from one ship to another, without their officers, was a charge to the crown, by confounding accounts, and otherwise, as well as disgustful to the seamen.

"That by other papers before the House, it appeared, that several squadrons have gone out of late without muster-masters, whose office and duty it is to detect frauds in pay, and on the head of victualling.

"That in the year 1720, 2,201 men were employed in the yards more than in the year 1714, and 2,627 men more than in the year 1698, and that the wages of those men have of late been greatly increased; both which, for aught appeared to us, are an unaccountable increase of that charge to the public.

"That since the year 1714, many new captains and lieutenants had been made, while great numbers have been kept in half-pay and unemployed, besides those created on vacancies which happened while the ships were abroad, and by that means an unnecessary charge has been continued on the public, and the elder officers disobliged.

"That without any order or establishment by his majesty in council, pay has been allowed, contrary to the usage of the navy, to flag-officers at home during the winter, on pretence of their making a journey or two to see their squadrons equipped.

"That without such order or establishment of his majesty in council, captains and commanders of small numbers of ships have been paid as rear-admirals, on pretence of having captains under them; and in but one instance, that we could observe, a reason given why they had captains under them, unless it was to colour their having such pay.

"And we are well assured, that, on farther inquiry, it will appear that new lieutenants have been made abroad, and old ones fit to serve, sent home to be put in half-pay.

"That flags have been paid in double and treble capacities. That flags and other officers have been paid as to higher stations than those they served in. That two or three flags of the same sort have been paid at the same time. That retrospections of pay have been allowed to flag and other officers.

"All which being against the ancient œconomy of the navy, and wasteful of the public treasure, we think, should have been inquired into without loss of time.

"These Mismanagements, as we take them to be, and others, which might have appeared on farther consideration of this matter, contributing, as we apprehend, to waste the public treasure, must necessarily have been in a great degree, an occasion of contracting so large a Navy-Debt; and therefore we are of opinion, that one or more farther days, which would probably have fallen within this session, should have been appointed for the taking them into consideration; which not being done, we the rather enter this Protest, with our reasons, as what, we hope, may give an occasion to the resuming the thoughts of this matter in another session of parliament.——*(Signed,)* W. Ebor', Montjoy, Fr. Roffen', Bingley, Uxbridge, Strafford, Boyle, Fran. Cestrien', Aberdeen, Foley, Bristol, Guilford, Compton, Bathurst, Cowper, Ashburnham, Aylesford, North and Grey."

Debate in the Lords on the National Debt.] Feb. 20. The Lords took into consideration the National-Debt, and Earl Cowper took notice, how much the same had been increased for several years past, as appeared by the state of the public debt, extracted from the books of the treasury, and this without any visible occasion, since every thing that had been asked of the parliament, had been readily granted and provided for, every one of those years; and therefore his lordship moved, "That it appears by the state of the Public Debt before this House, that the same (exclusive of the debt of the navy) is increased between the 31st of December 1717, and the 31st of December 1720, at least the sum of 2,300,000*l.* notwithstanding that the sinking fund has produced within that time 1,910,385*l.* 14*s.* 6¾*d.*" This motion was seconded by the lord Bathurst, and supported by the lords Bingley, Trevor, and North and Grey: but they were all strenuously opposed by the lord Carteret, and Townshend, the earl of Uay, the earl of Sunderland, the bishop of Sarum, and the earl of Scarborough, so that the question being put upon the said motion, it was carried in the negative by 50 voices, against 23.

Protests on that occasion.]

"Dissentient'

"Because the question consisted wholly of matters of fact, which were exactly agreeable to a paper laid before the House by the proper officer on the Address of this House; and as it

is not reasonable to be presumed, that the officers of the crown would state the debt higher than it really was, so we cannot but think that nothing was alledged in the debate that made it appear the debt was less than stated in the question; but on the contrary, had the exact quantum of the debt been material to have been inquired into on this occasion, it was evident to us, even from a memorandum at the bottom of the same paper, that the debt was, in reality, much higher the 31st of December, 1720, than stated in the question.*——*(Signed)* W. Ebor', Bristol, Bathurst, Monjoy, Compton, Boyle, Strafford, Guilford, Aberdeen, Weston, Litchfield, Fr. Roffen', Cowper, North and Grey, Fno. Cestrens', Foley, Uxbridge, Ashburnham."

The same day a motion was made, "That the lessening the Public Debt annually, by all proper methods, is necessary to the restoring and preserving the Public Credit." And a question being stated thereupon, after debate, the previous question was put, whether the said question shall be now put? It was resolved in the negative.

"Dissentient'

"1. Because as the main question is undeniably true, and seems to us admitted to be so, by its being prevented to be put by the previous question, so we think it would have been highly expedient and useful to the public to have had it put and voted in the affirmative, that by the declared opinion of this House (which must always be of the greatest authority) those, who are more immediately concerned to take care of the Public Credit, might not rely on vain and deceitful projects for restoring and preserving the credit of the nation, but apply themselves seriously and diligently to bring about the only effectual means of doing it.

"2. Although so clear and evident a truth, as is contained in the main question, cannot when proposed but obtain the consent of all, especially of such as are qualified to be in great stations, yet at this juncture, when the public is under such great necessities from the unexampled pressure of debts, and when all other remedies hitherto attempted have proved ineffectual, if not mischievous, we cannot but conceive it was extremely proper, and must have greatly conduced to the restoring and preserving the Public Credit, to have quickened the endeavours for that purpose of all in the public service, by so high an authority as a resolution of this House, not only pointing out to them the way they should take towards that good end, but intimating also, that as far as is possible to be attained, the doing so would be expected from them.

"And therefore we conceive, the main question should have been put and voted (as we think it must have been, had it been put) in the affirmative.——*(Signed)* W. Ebor', Strafford, Cowper, Ashburnham, Weston, Bathurst, North and Grey, Comptoo, Fra. Roffen', Boyle, Uxbridge, Foley, Bristol, Aberdeen, Guilford, Litchfield, Fra. Cestriens'."

Debate on a Motion for limiting the Time for entering Protests.] February 27. The earl of Sunderland took notice, That the privilege of entering Protests, had of late been so much abused, that, in his opinion, some restraint ought to be put to it, by limiting the time for entering Protestations, upon asking leave of the House, which was never denied: and therefore he moved, "That such Lords as shall enter their Protestations with Reasons, shall do the same before two o'clock the next sitting day, and sign them before the House rises." This was opposed by lord Cowper, who alledged, That the time being so short, and very few lords coming so early, such an Order would, in effect, put an end to all protesting, which was an ancient privilege of that House. The bishop of Rochester added, That if Protests were limited to so short a time, this was, at least, the way to have them crude and undigested; and he thought it unbecoming the dignity of that august assembly to have any thing entered upon their Journals, which were records for after-ages, before it had been duly considered on and well digested. He was supported by the lords Bathurst, North and Grey and Trevor: but they were opposed by the lords Townshend and Onslow, the earl of Sunderland and the bishop of Peterborough, the duke of Argyle and the lord Carteret; and the question being put upon the said motion, it was resolved in the affirmative by 43 voices against 18; and an Order was made, pursuant to the said Resolution. Then a motion was made, That the said Order be made a Standing Order of the House, &c. but the debate on that motion was adjourned to the 3rd of March, when all the lords were ordered to be summoned.

Protest against passing a Bill relating to running of Goods.] March 2. The Lords read a second time an ingrossed bill from the Commons, 'To prevent the clandestine running of Goods,' &c. And the question being put, whether the bill do pass, it was resolved in the affirmative, by 36 against 19.

"Dissentient'

"1. Because we are very sensible of the ill consequences that attend the pernicious practice of running of goods; and therefore wish some reasonable, proper and effectual method (which we do not take this Bill to be) might have been set on foot to prevent it.

"2. Because the making the alteration, by a former bill, from ships of 15 tno to those of 30, has not proved of any advantage, as we apprehend, since it has been admitted that the customs have fallen since: and we find on

* This Protest was expunged by order of the 3rd of March, following, [illegible] the Univers[illegible]

ground to hope, that the farther raising the prohibition to ships of 40 tun, as is done by this bill, will be effectual; but, we think, there is reason to fear that it may be a great prejudice to the coasting-trade in particular, since the owners of such vessels are thereby subjected to the heavy penalty of losing their ships, when possibly they may be entirely innocent themselves, and the fault may be committed only through the folly or knavery of the sailors, which will discourage the lending small vessels to those who trade in them, by which a great part of the coast-trade is at present carried on.

"3. Because the penalty of banishment in the bill seems, in some cases, to be annexed to a very small offence: we do not think it too great for any one who shall be taken with goods of any considerable value, and with a manifest intent to defraud his majesty of his customs; but as the bill is worded, it will, as we conceive, extend to any gentleman, if armed, returning from his travels, who has about him knowingly the least trifle that has not been entered and paid duty, though he has not the least design to defraud the king of his customs, or thinks he is transgressing any law whatsoever; and we do not think fit to depend, that so severe a law may not, in such hard cases, be sometimes executed with rigour.

"4. Because it was endeavoured, but without success, at the Committee, to have excepted the barges of noblemen and of the lord mayor and companies of the city of London, which cannot be supposed to be used (and the great barges of state belonging to the city cannot be used) in the running of goods; and therefore, we conceive, the making it necessary for the nobility, or the lord mayor and companies to apply to the admiralty, for a licence to use their own barges on the river Thames, or lay aside the use of them for want of such licences, which cannot be obtained without giving such a security as will bind and incumber the real estates of the obligers, to be not only a great and unnecessary indignity, but also an invasion of property, especially in the case of the barges belonging to the city of London, which city has an ancient right to the conservation of the river Thames, and as high an interest in it as is possible to be had in any navigable river; and therefore we think it absurd, as well as injurious to property, to compel the great officers and companies of that city to ask and give security for a licence to navigate or pass on that part of the Thames, which may not improperly be called their own river.

"5. It seems to us partial and unjust, that the prohibition of barges and other vessels described in the bill, should extend only to the counties for that purpose named in the bill, and not to other maritime counties, especially such as are most infamous for running goods; where, though the vessels described may not as yet be so much in use as in the counties named, yet will undoubtedly be more used in other counties not named, when they can no longer be kept in the counties or places the bill extends to; and, we conceive, laws should not make a distinction where there is no difference in reason, on a dependance that it may be supplied by a new law another opportunity.

"6. Because the time allowed by the bill (viz to the 25th of this instant March) either to dispose of the barges and other prohibited vessels, or obtain licences for the keeping, is much too short, as we conceive, and will prove the occasion of more hardships being done than can possibly be foreseen ——*[Signed]* Scarsdale, Montjoy, Bristol, Litchfield, Weston, Fra. Roffen', Sr John de Bleisoe, Aberdeen, Foley, North and Grey, Guilford, Uxbridge, Craven, Boyle, Strafford, Compton, Bathurst, Cowper, Masham."

A New Standing Order concerning the entering Protests.] March 3. The Lords, according to order, proceeded to take into consideration the motion for making the Order, That such Lords as shall enter their Protestations with Reasons, shall do the same before two o'clock the next sitting day, and sign them before the House rises, a Standing Order of the House, and that the same be entered on the roll of Standing Orders, instead of the Order of the 5th of March, 1641.

Protest against it.] And the said Order being read, after debate, the question was put thereupon, and resolved in the affirmative.

"Dissentient'

1. 'For that the Standing Order, in relation to the time of entering Protestations, was made above 80 years since, and was restrictive of an ancient right; and yet in all that time, till now, has never been thought not to have restrained that right enough; but on the contrary, whenever longer time than is allowed by that Order, has been asked, as it has been done in innumerable instances, it was never once denied, as we believe; which shews that the constant opinion of this House has hitherto been, that the restraint brought upon that ancient right of the Lords, by that old Order, has been rather too much than too little.

2. "The abridging this right of protesting with reasons yet more, will necessarily cause the reasons to be penned with less accuracy, and probably longer than they would have been, had more time been allowed; which though it may gratify those who differ in opinion from the protesters, yet will hurt the honour of the House, as we conceive, and the dignity of the records thereof; for we can by no means allow, that as much time should not be afforded to word the Lords' Reasons, which are to be entered on the Journals, as would be necessary to the wording of a pamphlet designed to be printed and published.

3. "Because we conceive, that if this farther restraint does not render the protestations impracticable, yet it must prove very

commodious and troublesome to the Lords who would make use of that their undoubted right; for if a debate should take up any long time, as most debates of consequence should do, the intermediate time allowed is, in our opinion, not sufficient for Lords, who design to protest, to meet and bring their several reasons together, and afterwards express them with that clearness, and so unexceptionably as they ought to do; and besides, get them fairly and correctly entered upon the Journal: So that, in our opinion, they must very often be either excluded from entering and signing their Reasons, or endure a great deal of hardship and inconvenience, by denying themselves the usual rest and refreshments (as is very obvious without further explanation) and be obliged to come long before their ordinary duty of attending the business of the House requires; so that, we conceive, this new restraint will either hinder protesting with Reasons, or amount to a kind of punishment on those Lords, who shall make use of their ancient and undoubted right of protesting.

4. "There seems to us the less reason for this step, because if the liberty of entering Protestations with Reasons has in any degree abused, the House can, and does, order them, or such parts of them, as can be reasonably objected to, to be expunged; and this observation is yet stronger, for that of late precedents have been made of expunging a great number of Reasons, and of a various nature, by one general question; which is a very expeditious remedy for any abuse that can happen.

5. "If ever there should be a time, when the utmost candour and fairness is less in use than at present, this new restriction on the right of protesting with Reasons, may open a gap to many artifices and unfair practices in prejudice of that right; clerks may come later than usual, pretend other business, or write slower, or use other shifts to avoid perfecting the entry of the Reasons till after the time allowed, especially if they shall think, though falsely, they gratify a majority of the House by so doing, which will make them at least hope for impunity; or if not so disposed, they may be, on the other hand, induced (and not unreasonably) to write faster and more loosely than will become the Journal of this House, that the entry may be finished within the time limited. We do not pretend to enumerate all the ways of making this alteration of the old Standing Order more inconvenient than appears at first sight, but only specify these few.

6. "We do not think the right of entering Protestations with Reasons has been of late abused, so as to give occasion for this new restriction, though it may have been used of late more frequently than formerly; for which, according to our opinions, there hath been very proper occasions given; and since we cannot but think the right of protesting with reasons a valuable and useful privilege, we must confess our fears, lest these restrictions, though not now intended so, should end at length in a total extinction of that right ——*(Signed,)* W. Ebor', Uxbridge, North and Grey, Boyle, Litchfield, St John de Bletsoe, Strafford, Bathurst, Trevor, Aberdeen, Fr. Rollen', Fran. Cestrien', Cowper, Bristol, Foley, Weston"

Protest against expunging Part of the Protest of the 19th of February, about the Navy Debt.] Then the Order was read for taking into consideration, the Protests entered on the Journal of this House, on the 19th and 20th days of February last, and the several Reasons in the Protest entered the 19th of February last, against putting off the further considerations of the causes of contracting so large a Navy Debt, for three weeks, being read, it was proposed, "That from the word [specified] in the tenth line of the fourth Reason, to the end of the said Protest, [see p 970] be expunged." And it being moved to adjourn, the question was put, Whether this House shall be now adjourned till Monday morning next? it was resolved in the negative.

Then the question was put, Whether all that is contained in the said Protest after the Word 'specified' in the tenth line of the fourth Reason, shall be expunged? It was resolved in the affirmative, by 45 against 18.

"Dissentient'

"Because when we were giving reasons against putting off the further consideration of the causes of the Navy-Debt by long adjournments, probably for the whole session, as we thought no reason could be more proper than that the subject-matter of that inquiry was not exhausted, but that very much material business remained to be considered no that head; so we did, and do yet conceive, that the following that general assertion, with an enumeration of the particular matters which yet did remain to be inquired into, as well such as arose from papers already before the House, as others which, we were well assured would arise in the farther progress of that business (from papers designed to be called for) did make the said general argument, which stands expunged, more strong, as well as more fair and candid, by shewing it was well founded upon particulars; and although the House has not thought fit to permit the said enumeration of particulars to stand on the Journal, yet, we conceive, we have attained this advantage, by having entered them, that it cannot be objected to us now, that we generally affirmed more business of consequence remained for that committee to do, without being able to instance or specify what in particular.——*(Signed)* W. Ebur', Uxbridge, Strafford, Aberdeen, Fr. Rollen', Fran. Cestrien', Bathurst, Litchfield, Fuley, Cowper, North and Grey, Trevor, Boyle, Bristol, St. John de Bletsho"

Protest against expunging the Protest of the 20th of Feb relating to the National Debt.] Then the Reason for the Protest entered the 20th of Feb. last, on consideration of the State of the National Debt, being read, after

Debate the question was put, whether the entire Reason for the said Protest shall be expunged? It was resolved in the affirmative.

"Dissentient'

"Because, we conceive, there is no instance of expunging the Reasons of a Protest, unless they were thought to contain something indecent to the House, or alledged matters of fact that were false, the first is not presumed in this present case: and as to the second, the matter depending upon figures, there can be no dispute, but upon the method of calculation; and if the Lords who signed the Protest did choose to follow the method observed by the officers of the Exchequer, rather than any other, we do not conceive their Reasons, founded on such authority, deserved to be expunged; neither do we think the said Lords were obliged to make deductions from the Exchequer account, which was laid before the House, without making the proper additions at the same time; for it must be agreed, that if the Debt stated in 1717, was but 47,800,000*l*; and in the year 1720, above fifty millions, the bringing the annuities into the South-Sea Company may occasion an increase of about two millions and a half; and the Army-Debentures not yet brought to account, are estimated at about half a million more; and the Debt of the Navy is near two millions; so the whole appears to be about fifty-five millions, and the increase of the National Debt (since it was stated in 1717) might therefore be reckoned about seven millions; and deducting the million of Exchequer-Bills lent to the South-Sea Company, the real increase of the National Debt, above what it was stated at in the year 1717, appears to us, at this time, about six millions. But as the Reasons were founded on the account laid before the House, which kept to the million of Exchequer-Bills as a Debt, and excluded all the other articles, we conceive they ought not to have been expunged, since the under-reckoning the Debt was not the objection made against them.——*(Signed)* Fran. Cestriens', Bathurst, Foley, Cowper, Strafford, St. John de Bletsho, North and Grey, Litchfield, Boyle, Guilford, Fr. Roffen', Uxbridge, Weston, Aberdeen, Bristol, Trevor."

Protest against expunging the Protest of the 17th Jan against the Quakers' Bill] March 5. The Order was read for taking into consideration the Protest entered in the Journal of the 17th of Jan. [See p. 946.] on rejecting the Petition from the London Clergy against the Quakers' Bill, and the several Reasons for the said Protest being read, after debate, the question being put, that the entire Entry of the Reasons, for the said Protest, be expunged; it was resolved in the affirmative, by 54 voices against 18.

"Dissentient'

"Because former Reasons entered against some late Resolutions for expunging da, as we conceive, equally extend to justify our dissent to this Resolution; and therefore, to avoid repetition we refer to those Reasons, with this further, That we do not find, and believe there is not any precedent, wherein Reasons for a Protestation have been taken into consideration by the House so long after they were entered, as in the present case, and the inconveniencies of doing so are, in our opinion, very manifest.——*(Signed,)* Strafford, F. Roffen', Boyle, North and Grey, St. John de Bletsho, Fran. Cestriens', Craven, Aberdeen, Uxbridge, Mountjoy, Cowper, Bathurst, Guilford, Litchfield, Foley."

The Speaker's Speech to the King on presenting the Money Bill] March 7. The King went to the House of Peers with the usual state and solemnity, and the Commons attending, their Speaker, upon presenting the Money-Bill, made the following Speech to his Majesty, viz.

"Most gracious Sovereign;

"This is the seventh year in which your majesty's faithful Commons, without burthening your people with any new or unusual taxes, have readily and cheerfully granted to your majesty the necessary Supplies, not only for carrying on the ordinary expences of the government, but for maintaining the honour and dignity of the crown; and, at the same time, they have omitted no opportunity of easing the public incumbrances, and of putting the National Debt into a method of payment; for no sooner had your majesty, by the vigilance of your councils, and the success of your arms, restored and secured the public peace and tranquility, but your Commons immediately found means to reduce the Interest of the National Debt, and thereby set apart a Fund, which, by a farther reduction of interest since made by your Commons, will, in a few years, be considerably increased, and the payment of the principal become practicable; and from which your majesty's trading subjects have already reaped this immediate benefit, that your Commons have been enabled, during this session, without endangering the security of any parliamentary engagements, to take off such duties as were found by experience to be most prejudicial to the trade and manufactures of your kingdoms. And as your Commons were apprehensive, that the Debt of the Navy was rising to such an height, as would, if not timely prevented, necessarily affect and depreciate all other public credit, and which would inevitably increase the charge and expence of the current service; they have therefore unanimously agreed on such methods of discharging so much of that Debt, as will effectually prevent the mischiefs they apprehend, and can be in no ways burthensome to their fellow-subjects.

"Thus have your Commons fully and happily completed every thing which your majesty was graciously pleased to recommend to them at the beginning of this session; and whenever your majesty, in your royal wisdom, shall again

think it proper to meet your people in parliament, may they imitate your present House of Commons in our duty and affection to your majesty, in our steadiness and resolution to support your government; may they continue, with like application and diligence, to extend trade and commerce, tha true and natural source of wealth and plenty in these kingdoms; and we should think ourselves happy, if even our mistakes might be of service to your majesty, by being a warning to those that come after us: and that when the wisdom of your majesty's councils, and the steadiness of your administration, shall have restored credit to its former flourishing condition, they may not grow wanton with too much prosperity, but may proceed with such caution and prudence in their endeavours to lessen the National Debt, as may put it out of the power of any set of men to produce misery and distress, from what shall be proposed for the ease and benefit of your people; and that, by the blessing and assistance of Divine Providence, they may so effectually unite the affections of your people, and firmly establish your majesty's throne, 'That the Sceptre may not depart from your 'Royal House, nor a Lawgiver from between 'your Feet!' That the ancient legal constitution of this kingdom, in King, Lords and Commons, may be perpetuated in your majesty and your Royal Posterity, till time shall be no more.

"Your majesty having been, at different times, in the course of this session, graciously pleased to accept such Supplies, as your Commons offered to your majesty for the Service of this year, they do now humbly pray your majesty's like gracious acceptance of a Bill they have prepared for discharging the Debt of the Navy, intitled, 'An Act for paying off and 'cancelling one Million of Exchequer Bills, '&c.'"

The King's Speech at the Close of the Seventh and last Session of the Fifth Parliament of Great Britain.] After this, the King gave the royal assent to several public and private Bills. Then the Lord Chancellor, by his majesty's command, delivered the following Speech to both Houses.

"My Lords and Gentlemen;

"You could not have given me a more acceptable instance of your zeal and affection, than by dispatching, with so much unanimity, the several particulars I recommended to you at the beginning of this session, for the ease and advantage of my people.

"The many and great encouragements you have given to our trade and manufactures, and the provision you have made for our being supplied with naval stores from our own plantations, will, I make no doubt, excite the industry of my subjects, employ a greater number of the poor, increase our navigation, and be a considerable addition to the riches and strength of this nation.

"Gentlemen of the House of Commons;

"The raising the current Supplies of the year, and the making a provision for the discharge of so considerable a part of the Debt of the Navy, is a further proof of your affection to me, and your regard for the public; and doing it in a manner so little burthensome to my people gives me the greatest satisfaction.

"My Lords and Gentlemen;

"I cannot in justice part with this parliament, without returning you my sincerest thanks, for your steady and resolute adherence to my person and government, and to the interest of the Protestant Cause, both at home and abroad. The enemies of our happy constitution have given the strongest and most honourable testimony of your behaviour in these particulars, by the implacable malice which they have, upon all occasions, expressed against you.

"You must all be sensible, that they are, at this juncture reviving, with the greatest industry, tha same wicked arts of calumny and defamation, which have been the constant preludes to public troubles and disorders; and such is their infatuation, that they flatter themselves the grossest misrepresentations will turn to their advantage, and give them an opportunity of recommending themselves to tha favour and good opinion of my people; but I have so just a confidence in the affection of my subjects, and in their regard for their own welfare, that I am persuaded they will not suffer themselves to be thus imposed upon, and betrayed into their own destruction.

"For my part, as the preservation of tha constitution in church and state shall always be my care, I am firmly determined to continue to countenance such as have manifested their zeal for tha present establishment, and have the religious and civil rights of all my subjects truly at heart; and I question not but that behaviour, which has justly recommended them to me, will effectually secure to them the good will of all that are well affected to my government; and will convince tha world, that the expectations of those are very ill grounded, who hope to prevail with a Protestant free people, to give up their religion and liberties into tha hands of such as are enemies to both."

The Parliament dissolved.] And then the Lord Chancellor, by his majesty's command, prorogued the Parliament to the 15th of March 1722, but on the 10th of the same month a Proclamation was issued for the Dissolution of this Parliament, and the Calling another.

PRINCIPAL OCCURRENCES FROM THE DISSOLUTION OF THE OLD TO THE MEETING OF THE NEW PARLIAMENT—*Death of the Earl of Sunderland and the Duke of Marlborough.—Progress of the Elections.—A Plot discovered.—Bishop Atterbury and several other Persons taken up.—Meeting of the New Parliament.*] Soon after the dissolution of the

* Tindal.

parliament, died Charles Spencer, earl of Sunderland, whose abilities as a minister were indisputable, but who exposed himself to great odium by the violence of his temper, and the share he was thought to have had in the South-Sea scheme, and in the latter part of his life it is thought, upon good grounds, that he had entered into correspondencies and designs, which would have been fatal to himself, or to the public.—His death was followed in less than a month by that of his father in law the duke of Marlborough. He was interred the 9th of August, with great funeral pomp, in Westminster Abbey, and was succeeded as master-general of the ordnance, and colonel of the first regiment of foot, by the earl of Cadogan.—The elections for members of parliament were carried on with great zeal on both sides, but the majority of the elected, was clearly in favour of the court; as was likewise that of the sixteen Scots peers.

It was king George's lot to meet with continual disturbances. The affair of the South-Sea, and the favour shown to the managers of that scheme, had raised great discontents. It was natural for the enemies of his person and government to improve such a juncture. Accordingly they did so; and, though without hope of any foreign assistance, they imagined it possible to succeed in their designs, unless prevented by a discovery. The king had some suspicion of a Plot, which he had intimated in his speech to both Houses, but, presently after, his suspicions were turned into certainty. In the beginning of May he had full information of a conspiracy formed against him, the first notice of which came from the duke of Orleans.

Upon this information, a camp was marked out in Hyde-park, to which the troops of the king's household marched the next day. Orders were issued to all military officers immediately to repair to their respective commands. Lieutenant general Maccartney was dispatched to Ireland, to bring over some troops from thence into the west of England. Messengers were sent to Scotland to secure some suspected persons; and Mr. Horace Walpole, who some days before went over to Holland, was instructed to desire the States, to keep in readiness the guarantee troops, in order to be sent into England in case of necessity. On the other hand, colonel Churchill was sent to the court of France, with a private commission, probably to see how far the assurances from thence were to be depended upon. By these precautions the public tranquillity was preserved in Great-Britain. However the apprehensions of the Plot did not a little affect public credit; for, on May the 7th, South-Sea stock fell from 90 to 77; and the timorous or disaffected began to run upon the Bank. But, a few days after, the funds gradually rose to their former value.

To authorise these precautions, and sound the temper of the people, the lord Townshend writ the following letter to the lord-mayor of London.

'My Lord; Whitehall, May 8, 1722.

'His majesty having nothing more at heart 'than the peace and safety of his good city of 'London, the protection of its inhabitants, 'and the support of public credit, has commanded me to acquaint your lordship, that he 'has received repeated and unquestionable advices, that several of his subjects, forgetting 'the allegiance they owe to his majesty, as well 'as the natural love they ought to bear to 'their country, have entered into a wicked Conspiracy, in concert with traitors abroad, for 'raising a rebellion in this kingdom in favour 'of a Popish Pretender, with a traiterous design to overthrow our excellent constitution 'both in church and state, and to subject a 'Protestant free people to tyranny and superstition; but I am persuaded, that it will be a 'great satisfaction to your lordship and the 'city, to find, that, at the same time I am ordered to inform you of this design, I am likewise commanded by his majesty to let you know, that he is firmly assured that the authors of it neither are, nor will be supported, 'nor even countenanced by any foreign power. 'And as his majesty has had timely notice of 'their wicked machinations, and has made the 'proper dispositions for defeating them, he has 'no reason to doubt, but by the continuance of 'the blessing of Almighty God, and the ready 'assistance of his faithful subjects, this effort 'of the malice of his enemies will be turned to 'their own confusion.

'His majesty makes no doubt, but your 'lordship, pursuant to the trust reposed in you, 'will, in conjunction with the other magistrates 'of his good city of London, exert, with the 'utmost care and vigilance, your authority at 'so important a conjuncture, for the preservation of the public peace, and the security 'of the city. I am, &c. TOWNSHEND.'

The reception this letter met with was very acceptable to the court. An Address was presented by the court of aldermen, thanking the king for his indulgent regard to the city of London, by informing them of the wicked designs of his enemies both at home and abroad, and congratulating him upon the happy success of his negotiations, which had procured assurances, that these traiterous purposes would not be supported by any foreign power.

'When we reflect (continues the Address) on 'the many blessings, which Britons enjoy, 'under the protection of a prince, who makes 'the laws of this land his rule for the government of his people, when we consider that 'neither the civil, or religious rights of your 'majesty's subjects, have met with the least 'instance of violation, since your majesty's happy accession to the throne of these realms, 'when we recollect your majesty's royal clemency and benevolence, (since the last rebellion) to numbers of those who offended, 'in the highest degree, against their king, and 'the laws of their country, we cannot but express our utmost abhorrence of those vile and

'detestable persons, who shall again conspire 'and attempt to bring a free and happy people 'under the yoke and tyranny of superstition, 'and to involve this nation in a state of blood, 'misery, and utmost confusion. And as these 'must be the unavoidable consequences attending any enterprize to alter our present 'happy establishment, and to introduce a 'Popish one: as Englishmen that value our 'liberties; as honest men that have sworn allegiance to your majesty, and who have abjured and renounced the Pretender; and as 'real friends to our excellent constitution in 'church and state (with a Protestant prince at 'the head of it) we beg leave in the most solemn manner, to declare to your majesty, that, 'as we are bound in gratitude, we will exert 'ourselves in our several stations, with the utmost care and vigilance, for the preservation 'of the public peace and tranquility, and for 'the restoring of public credit; and that we 'will use our sincere and hearty endeavours for 'the firm support of your majesty upon the 'throne, and for the making your reign easy 'and happy.'

The example of London was followed by many other cities and boroughs, who all expressed the same zeal and devotion. But, notwithstanding these assurances, the king's journey to Hanover was laid aside, though the regency had been settled, in which the prince of Wales had no part. The court, however, went to Kensington, and the prince and princess retired to Richmond.

Various were the reports about the nature, and discovery of the conspiracy, as the government did not as yet think fit to publish the particulars. However, to remove all suspicion of its reality, several persons were taken up. On the 21st of May, Mr. George Kelly, who went under the name of Johnson, an Irish clergyman, was seized at his lodgings in Bury-Street, by three messengers, for treasonable correspondencies; and, having delivered his sword and papers to them, they placed them in a window, and went in search of other things. Their negligence gave him an opportunity of recovering his sword, which he drew, and swore he would run the first man through the body, that disturbed him in what he was doing, which was burning his papers in a candle with his left hand, whilst he held the drawn sword in the other. When the papers were burnt, he surrendered himself.

On the 4th of August, Mr. Robert Catton, of Huntingdonshire, one of the gentlemen concerned in the late rebellion, and cleared by the act of grace, was seized at his lodgings over against Somerset house, as were also his footman and landlady. Two days after, Mr. Cochran and Mr. Smith were brought prisoners from Edinburgh, and Cochran was committed to the Tower. One John Sample, formerly a servant to sir Robert Sutton, while he resided as envoy extraordinary at the court of France, having been taken up for high-treason, and being in custody of a messenger, found means on the 5th of August, to make his escape, upon which a proclamation was issued out, with a reward of 1,000*l.* for apprehending him. And, on the 13th, another proclamation, with the like reward, was published for apprehending Mr. Thomas Carte, a nonjuring clergyman, against whom a warrant had been issued by one of the secretaries of state.

"On the 24th of August, Dr. Francis Atterbury, bishop of Rochester, and dean of Westminster, was apprehended by some of the king's messengers, who, having searched his house, and secured some of his papers, carried him before a committee of the privy-council, who, having examined him, committed him to the Tower for high-treason. The next day Mr. Thomas Moore, vicar of St. Botolph Aldersgate, formerly secretary to the bishop of Rochester, was likewise taken up, and afterwards examined, but soon after discharged.

About the middle of September, Bingley, Mr. Neynoe, a young Irish priest, and two other persons, were seized at Deal, and brought up prisoners to London. About the same time Mr. Layer, a young counsellor of the Temple, being also apprehended, he endeavoured, the next day, to make his escape, and succeeded so far in his design, that he found means to get out at a back-window two story high, and, having reached the river side, he gave a sculler some guineas to carry him over the water to Southwark with all possible expedition. But being discovered, upon his going off, by a servant maid, he was immediately pursued, and, a hue-and-cry being raised after him, he was taken and brought back, and the next morning committed to the Tower. On the 21st of September, he was brought under a strong guard to the Cock-pit at Whitehall, and, having been some hours under examination, before a committee of the privy-council, was remanded to his confinement. The day before, Mr. Sayer, of the Temple, was taken into custody; as was also, the next day, Mr. Stewart, clerk to Mr. Layer, while his master was under examination. The same day, John Plunket, serjeant to a company of invalids at Plymouth, was seized at Chelsea, upon suspicion of being concerned with Mr. Layer, and, after examination, committed to the custody of a messenger. On the 24th, Mr. Shippen's house in Norfolk-street was searched for papers, that might give light into some suspicions. Warrants were likewise issued out for apprehending the lord North and Grey, who was gone as far as the Isle of Wight, and had put himself on board a smuggler's sloop, having been some time at Mr. Holmes's house in that island. Colonel Morgan, the deputy governor, being informed of his being on board the sloop, sent a captain of one of the king's frigates, to have an eye upon the sloop, and, when going to sail, to send his long-boat aboard, and secure all the passengers on suspicion; which being done, the lord North and Grey at first pretended to be another person; but, finding that did him no service, he confessed who he was; and the rest of the passengers

were carried before the governor, who told them, he must secure them till he could write to court; and, upon an answer from thence, he had orders to send them up in custody. The lord North and Grey's house, in Great Queen-street, being also searched for papers, the messenger found there Mr. Swathfegger, secretary to the earl of Orrery, who was seized and committed to custody; and the next morning, September 27, the earl himself was brought to town from his seat at Brittel in Buckinghamshire, and having been examined at the Cock-pit, was ordered to be confined that night at his own house in Glass-House-Street, under a guard of thirty soldiers; and the next day, in the evening, was again examined by a committee of the privy-council, and committed to the Tower; as was also the lord North and Grey, being brought up from Portsmouth by lieutenant general Macartney, colonel Gordon, and a messenger.

On the 16th of September Mr. Fleetwood was taken into custody, and Mrs. Layer, ignorant of her husband's fate and coming over from France, was about the same time seized at Dover.

Two days after, Mr. Stephen Neynoe, the Irish priest, seized at Deal, being closely confined in the house of Mr. Crowford, one of the king's messengers, in Manchester-court near the Thames, found means about three in the morning, to make his escape from a window two story high, by tying the blankets and sheets together, and got to the wall of a neighbouring garden adjoining to the river; but not knowing that the tide was high, he leaped into the water, and being unskilled in swimming was drowned.

After the bishop of Rochester had lain a fortnight in prison, sir Constantine Phipps presented a petition to the court at the sessions house in the Old Bailey, in the name of Mrs. Morris, the bishop's daughter, praying that, in consideration of the bishop's ill state of health he might be either brought to a speedy trial, or bailed or discharged: but it was over-ruled, as were also the petitions of two other prisoners for the plot, Cochran and Dennis Kelly.

The commitment of the bishop of Rochester made a great noise through the whole kingdom, and gave occasion to the disaffected to heighten jealousies and discontents. They pretended his confinement was injurious to the church of England, and the episcopal order, and went so far as to offer up public prayers for him (under pretence of his being afflicted with the gout) in most churches and chapels in London and Westminster, on Sunday the 16th of September. On the other hand, endeavours were used to remove the prejudices of the clergy against the ministry, and Dr. Gibson, bishop of Lincoln (now of London) wrote a circular letter, wherein he sets forth the indulgance wherewith the bishop was treated, the great respect the order of bishops met with from the king, who in the disposal of his preferments was directed by their advice: the improbability of so unpopular an act, without a just and even necessary foundation: and lastly, the safety of the nation, which requires that all delinquents should be censured as such without any regard to the office, or title, or honour they bear.

The noise made by the Conspiracy seemed to require the Meeting of the New Parliament as soon as the season would permit. Accordingly on the 9th of October, the king came to the House of Peers and opened the Session with a speech to both Houses. But with the proceedings of the New Parliament we shall commence our next Volume.

APPENDIX.

APPENDIX

TO

VOL. VII.

N° I.

A REPORT from the COMMITTEE of SECRECY, appointed by Order of the HOUSE of COMMONS to examine several BOOKS and PAPERS laid before the House, relating to the late NEGOCIATIONS of PEACE and COMMERCE, &c. Reported on the 9th of June, 1715, by the Right Hon. ROBERT WALPOLE, esq. Chairman of the said Committee. Together with an APPENDIX, containing Memorials, Letters, and other Papers referred to in the said Report.*

THE Committee of Secrecy appointed to examine the several Books and Papers to them referred, and to report to the House what they should find material in them, having examined and considered the same, have agreed upon the following Report to be made to the House, containing such facts and papers as appeared to them to be most material, and of the highest importance, together with the reasons that induced the committee to lay them before the House for their further consideration.

The several Books and Papers referred to the committee chiefly relate to the late negotiations of peace and commerce; To the intended demolition of Dunkirk; To the obtaining and disposing of the Assiento contract; To some negotiations concerning the Catalans; and secret transactions relating to the Pretender.

The Committee was in hopes, in so voluminous an enquiry, to have been able to trace out all the steps, and the whole progress, of these negotiations; but, to their surprize, they find a want of several books, letters, and papers, mentioned and referred to in those that have been delivered to them, and frequent and long interruptions of some very material correspondences that were carried on. But being informed, that these accounts are all, which have any way come to the hands of those who have the honour to serve his present majesty, the committee proceeded to draw up the following Report, warranted and founded upon such authorities, as the persons concerned vouchsafed not to suppress.

The first material paper is entituled "The first Propositions of France," signed by M. de Torcy, April the 22d, 1711, N. S. and is here annexed N° 1. To whom these Propositions were directed, what previous steps had been made on the part of France, or what encouragement had been given on the part of England; does not appear; but it is evident that they are conceived in very loose and general terms; that from the beginning the design of France was to secure Spain and the West Indies to king Philip; to create jealousies among the allies; and that France offered to treat with England and Holland, either by themselves, or jointly with the rest of the allies, which is left to the choice of England.

On the 27th of April, 1711. O. S. Mr. Secretary St. John transmits these propositions to lord Raby, the queen's ambassador at the Hague, with orders to communicate them to the Pensionary, "to assure that minister the queen was resolved in making peace, as in making war, to act in perfect concert with the States, and desires the secret may be kept among as few as possible; he confesses that the terms of the several propositions are very general, that there is an air of complaisance shewn to England, and the contrary to Holland, which might be of ill consequence, but can be of none, as long as the Queen and States take care to understand each other, and to act with as little reserve as becomes two powers so nearly allied in interest; and desires the Pensionary to be assured, that this rule shall on our part be inviolably observed."

Lord Raby by his letters of May the 25 and 26th, 1711, N. S. to Mr. St. John, in answer to these orders and assurances, acquaints him,

* See the Proceeding of the House of Commons, June 9, 1715.

"That the Pensionary had, with those of that state who had been formerly employed in the negotiations of peace, considered M. de Torcy's propositions, and the obliging manner in which her majesty was pleased to communicate them; that they thanked her majesty for her confidence in them, and assure her that theirs is reciprocal; and that as her majesty has promised, she will make no step towards a peace but in concert with them, they desire she may be assured of the same on their part; and that they will make no step in that, or any other kind of negotiation, which regards the mutual interests of both nations, but in communication and concert with her majesty; they urge the necessity of an entire confidence one with the other, at this critical juncture; they declare themselves weary of the war, which they endeavour to conceal from the enemy, least he should make his advantage by it; and that they are ready to join in any measures, which her majesty shall think proper to obtain a good peace. But they look upon these propositions as yet, in the same manner as the secretary does, to be very dark and general, and designed to create jealousies between her majesty, that republic, and the allies: but they depend upon her majesty's justice and prudence, to prevent any such ill effect, and hope she will make the French explain, more particularly, the several points contained in them."

After these mutual assurances had passed betwixt England and Holland, the committee is surprized to find not the least communication to the States of the negotiations that were carrying on, for above five months together, betwixt England and France, till after the special preliminaries were signed, and the seven general preliminaries were concluded and sent to them.

In the mean time lord Raby, not being as yet let into the secret, freely declares, he thought it adviseable, and necessary, to go open with the States in this matter of the propositions; acquaints the secretary that all the letters from France agreed, that all the hopes the French had was to sow jealousies among the allies. And repeats his advice, That we must act cautiously with them (the States) that they may have no reason to accuse us, for taking the least measures without them.

But it was not long before Mr. Secretary St. John prepared his excellency to have other sentiments of the manner of carrying on this negotiation, and in his letter of the 29th of May acquaints him with the agreeable news, "That it was her majesty's pleasure, that his excellency should make all possible haste to come over, since her service may better dispense with his absence at this point of time, than it will perhaps do at another, and since we must now expect to have very soon upon the tapis, many intrigues, concerning which the queen thinks it expedient that he should confer with the ministers here;" acquaints him, that her majesty designed, upon his arrival, to give him the promotion in the peerage, which he had desired. And then, that his excellency might begin to have some notions agreeable to the sense of our ministers, Mr. St. John in answer to some very long letters of his lordship's full of his own reasonings, and the repeated assurances of the ministers of the States to act in perfect concert and with an entire confidence in her majesty, tells him in these words, "That Britain had gone so much too far in weaving her interest into that of the continent, that it would prove no easy task to disentangle our affairs without tearing or rending."

But this work of tearing and rending did not at all discourage his excellency, who waiting than for several posts from England, stopped by contrary winds, and beginning to suspect that the course of the negotiation was turned into another channel, that the ministry here might be satisfied that his lordship could without much difficulty depart from his own opinion, he declares in his letter of June the 16th, 1711, N. S. to Mr. St. John; "You may be assured, I will venture any thing, and undertake any thing, to serve the queen, you may venture boldly to trust me with the real intentions, and be assured, I will not make further use of them, than according to my instructions. He tells him, if the thing is actually gone no further than it appears, and France has not yet explained, and he has a mind, that he should come over for the queen's service, "he is ready to come in a yacht, frigate, packet-boat, or any way;" and concludes, "in short, dispose of me how you please, for all my desire is to serve her majesty to her satisfaction, and I shall never grudge any danger and pains."

This voluntary and frank declaration his excellency desires in a particular manner, may with his humble compliments be communicated to the duke of Shrewsbury and Mr. Harley.

It has been already observed, that all correspondence betwixt England and Holland, concerning the present treaty, ended with the communication of the first propositions of France; if the Dutch had made any attempts to wrest the negotiation out of the hands of the queen, if they had entered into any separate measures, or taken any steps that might give just occasion of offence or suspicion to England, it is very probable the accounts of any such proceedings would have been left by the ministry, for their own justification; but the committee does not find the least intimation of this kind, and are at a loss to know upon what pretence such solemn assurances were dispensed with as soon as made, and the honour and name of the queen sacrificed to the private views of her ministers.

All transactions betwixt England and France during this time, except two or three papers, are entirely suppressed, which in lord Strafford's instructions of October the 1st, 1711, are said to have been carried on by papers sent backward and forward, and much time spent therein, the first paper, that is found, is called, "Private Propositions sent by Mr. Prior from England" dated July 1st, N. S.

The next is a paper called, Mr. Prior's Authority; this is signed, Anne R. at the top, and A R at the bottom, not countersigned, and is without a date, and the contents are, "Mr. Prior is fully instructed and authorized to communicate to France our preliminary demands, and to bring us back the answer."

These two papers together must be understood to be Mr. Prior's powers and instructions, or are at least all that are found in the office, or given to by him; but by an entry in lord Strafford's book subjoined to these private propositions carried over by Mr Prior, it appears that Mr. Prior had orders to see if France had full powers from Spain.

These propositions, which were formed here, leave no room to doubt of the little concern the ministry had to make good the repeated assurances, that had been given to the allies, in the queen's name, to make the French more plain and particular, since in all things that concern the allies, the English proposals are as dark and general, as those that came from France; and if this still could be any question, it is sufficiently cleared up in a third paper, intituled, "Draught of Answers upon the conference with M. Mesnager," wherein the British ministry is much surprised to find That M. Mesnager had orders to insist that the queen should enter into particular engagements upon divers articles which depend not upon her, and which regard the interest of the allies; they appeal to all the papers which had been sent backward and forward during this negotiation, and to that which was carried by Mr. Prior, that the principle upon which they had treated all along was, that France should consent to adjust the interests of Great Britain in the first place. This is a principle from which the queen can never depart, and that it was absolutely necessary to remit the discussion of the particular interests of the allies to general conferences.

By this it appears, that the minister of France was instructed to treat of the interests of the allies, which the English ministry would by no means consent to.

By M. Torcy's Proposals, France offered to treat with England and Holland, either by themselves, or jointly with the rest of the allies, not conceiving that Holland could possibly be excluded from the negotiation; but it is determined by the English ministry to carry on a separate negotiation with France, exclusive of all the allies, and in their private propositions, an express article is inserted, "That the secret should be inviolably kept, till allowed to be divulged by the consent of both parties;" and thereby England put the negotiation into a method more advantageous for France, than France had proposed or could hope for.

The Committee think it proper to insert here the first part of the Eighth article of the grand alliance, wherein it is stipulated, 'Neutri partium fas sit, Bello semel suscepto, de Pace cum Hoste tractare, nisi communi, et communis Consiliis cum altera Parte.' What will be thought of so manifest a violation, as this whole proceeding appears to be, of the grand alliance, the committee will not take upon them to determine; but this step being once taken, and secret preliminaries signed upon this foot between England and France, before any thing had been finally treated and concluded for the security of Great Britain, what fatal consequences did happen to her majesty's kingdoms, and what advantages accrued to the common enemy, seems to deserve the most mature consideration.

Before we leave these Propositions it must be observed, that here, in the very infancy of this negotiation, the trade of the world, and the entire Spanish monarchy, which had cost so many millions, and the effusion of so much blood, without being once insisted upon, contrary to the repeated addresses of several parliaments, and the declared sense of the queen, are given up by the English ministry to the house of Bourbon, for verbal assurances that the crowns of France and Spain, shall never be united: and that this was done so early, will be necessary to be remembered in the further progress of these transactions

There is no account given of any correspondence with Mr. Prior during his his stay in France, nor does the certain time of his continuance there appear Upon his arrival at France, M. de Torcy in his letter of the 3d of August, 1711, N. S. tells Mr. St. John "he saw with great pleasure Mr. Prior return after an interval of so many years; that he could have wished he had had greater liberty to employ those talents, which he was persuaded he would have made a good use of; but he hopes M. Mesnager will supply what he could not do." Upon his return he was attended by M. Mesnager, a minister of France, vested with full powers in due form, and dated August the 3d, 1711, to treat, negotiate, conclude, and sign, with such ministers, as should be authorized in due form, not by Britain only, but any of the princes or estates then in actual war with France.

That M. Mesnager, upon his arrival here, frequently conferred with the queen's ministers, appears by many instances; but the subject matter of these conferences, the times, places, and particular persons with whom he treated, or by what authority, the committee find no account of, till the 20th of September, 1711.

By a letter of Mr. Secretary St. John, then at London, of that date, to the queen at Windsor, No. 3, it appears, that the lord treasurer, lord chamberlain, lord Dartmouth, and Mr. St. John, met M. Mesnager that evening at Mr. Prior's house; which meeting, as Mr. St. John says, was by order of the lords of the committee of council, but seems unknown to the queen, until the secretary acquainted her with it by this letter.

At this meeting M Mesnager delivered to the British ministers the Answer, signed by the king of France, to the Demands last sent over

by England; which Demands and Aoswers were made the secret preliminary articles betwixt Great Britain and France, and were signed as such, Sept 27th,1711, by M. Mesnager on the part of France, and the acceptation of them by lord Dartmouth, and Mr. St. John, on the part of Great Britain No. 4.

Mr St. John, in this Letter, represents it to the queen, as the unanimous opinion of her servants, then present, that a warrant and full powers should be prepared that night and transmitted to her majesty to be signed, in order to pass the great seal the next day, whereby the earl of Oxford, the Duke of Buckinghamshire, the bishop of Bristol, the duke of Shrewshury, earl Powlet, earl of Dartmouth, Henry St. John and Matthew Prior, esqrs, were to be constituted plenipotentiaries, to meet and treat with M. Mesnager, which warraot, and a translation of the full powers, were sant to the queen No. 5.

This Warrant under the signet appears signby the queen, directing the lord keeper to affix the great seal to an instrument thereunto annexed, containing her commission to himself, and others, therein named, to meet and treat with the Sieor Mesnager; but it does not appear that any such instrument did pass the great seal, the warrant remains not coontersigned, and is eodorsed 'Not used.'

This Warrant is dated the 17th of Sept. although it is manifest, by Mr. St. John's letter, it was not prepared, nar thought of, till the 20th.

This antedating seems designed to justify the ministers, in their meeting and conferring with the queen's enemies, previous to the warrant; which never passing into a legal authority, it appears that these secret negotiations betwixt France and the queen's ministers here, were begun and carried on from the 11th of April to the 25th Sept 1711, when the warrant to lord Dartmouth and Mr. St. John was signed, without any powers or written authority from the queen, and it is very observable, that the queen was brought into these measures, by its being represented to her by the secretary of state as the unanimous opinion of all her ministers, to which alone the assent af the queen is to be ascribed.

But what is more strange, is, that after Mr. St. John had represented it to the queen, as the unanimous opinion of her ministers, that full powers must immediately pass the great seal to authorize them to meet and treat with the said M. Mesnager, these powers should be laid aside; and the acceptation of the preliminaries signed by lord Dartmouth and Mr. St. John, by virtue of a warrant directed to them twn only, signed by the queen at top and bottom, and countersigned by nobody. No. 6.

Where the obstruction arosa to the passing these powers, does not appear to the committee; but those ministers seem conscious to themselves af what was doing, who so readily concurred in privately meeting, conferring, and treating, with the ministers of France, till this separate negotiation was brought to maturity; but avoided to become parties when the treaty was to be signed and executed,

This great care and caution for their own persons, and little regard for the honour and interest of their queen and country, appears through this whole separate negotiation, It being very remarkable that there is not one paper of powers or instructions throughout the whole affair countersigned by any one minister, but the queen's oame exposed to cover all; which looks as if they flattered themselves, that this omission of their duty would be sufficient to skreen them from the justice of the nation, if these matters should ever come to be enquired into.

After such a sacrifice made of the general interest of Europe, such a direct violation of the grand alliance, and such unwarrantable and illegal steps taken in transacting and concluding these special preliminaries between England and France, it had been but reasonable to expect in them some very particular advantages and concessions made to Great Britain, to atone for such unprecedented transactions; but it is astonishing to find how insignificant all the demands are, that were made on the part of Great Britain; and, inconsiderable as they were, how ineffectual they have since been rendered.

Nothing possibly could be said less with regard to the successioo, than what is here demanded in the first article. The queen, not yet acknowledged by France, nor designed to be so, till the conclusion of the peace, as France afterwards explained this article at the general congress; not a word of removing the Pretendar, nor any engagement not to support him in any attempt he might make upon the oation.

The second Article offers a Treaty of Commerce, in such doubtful words, as France only could make advantage of.

In the Article of Dunkirk, the equivalent is expressed in so strong a manner, and the demolition so very loosely; as could not but bring certain and great prejudice to our allies, with very little prospect of advantage to ourselves; and fatal experience has convinced us, what security is procured for our navigation by this third article. But the history of this will be further explained in its proper place.

The fifth and seventh Articles chiefly regard the *Assiento* contract; what a national advantage that is like to be, is now too well understood to want much explanation: But with what views the ministers were so fond of this, as to make it their chief care and concern, will no longer be a doubt, when it shall appear that this part of the treaty was calculated only for private advantage.

What the ministry themselves thought most valuable in these articles, was that part of the seventh which grants us an advantage of 15 per cent. upon our manufactures sent to Spain: But this great advantage soon vanished into nothing; and was given up by our ministry

here. The bishop of Bristol says indeed of it, in his letter of the 17th August, 1712, That it was granted by the French with a design either to inflame things between us and the Dutch, or to give the French a pretence to stipulate for themselves such particular advantages in the Spanish trade as may be the ruin of ours.

But what is most remarkable in the seventh Article is the introduction to it, in which the ministry confess themselves to have been imposed upon by France; for they declare that from the first proposals of M. de Torcy to that time, they always understood, that by the real securities promised in those proposals, were meant places; which now was absolutely refused; and they consent to take for real securities what they confess is none, but what a love of peace may induce them to accept as an equivalent

What was really of most importance to England was the eighth article, which relates to Hudson's-bay and Newfoundland; but the ministry suffered themselves to be so grossly imposed upon in this article, that they directly give to France all they wanted, which was a liberty of taking and drying their fish, whilst France gives nothing at all to us, but refers our most valuable interests to the general conferences. Which was but another manner of denying them, as the event has sufficiently shewn.

We demand in the sixth Article, that we shall have all the privileges that have been or shall be granted by Spain to the subjects of France or any other nation. Whereas the ministers ought to have insisted that France should not upon any pretence whatsoever be permitted to trade to the Spanish West Indies, which they would not have omitted, if they had had the least regard to the trade of Great Britain, or had not entirely forgot the eighth article of the grand alliance; wherein it is expressly stipulated, as a condition without which no peace shall be made, 'neque ipsis ibidem' (that is, the French in the Spanish West-Indias) 'Navigatio Mercaturæ exercendæ causâ sub 'quocunque prætextu, directé vel indirecté 'permittatur.' One thing further is to be observed of these articles, that such of them as any way relate to Spain are expresly granted in the name and by virtue of powers given by king Philip, and yet after this, all intentions of leaving any part of the Spanish monarchy to king Philip is publicly disavowed; as will afterwards appear

This short view of these special preliminaries sufficiently demonstrates, that the interest of Britain was not the inducement to our ministers to proceed in this extraordinary manner. Yet trivial as these advantages are, France is pressed that they may be first adjusted; to what use and purpose is fully explained in the draught of answers upon the conferences with M. Mesnager, "That our ministers may be enabled to engage the queen to make the conclusion of the general peace easy to France."

It is declared, that to settle the interests of Great Britain in the first place is a principle from which the queen can never depart, this plea was made use of, to defer the interests of all the allies, to be discussed at general conferences; but the turn given to it here was to amuse the people, by persuading them that the English ministry was contending for great and particular advantages and concessions to be made to Great Britain, that might make us some amends for that great and unequal burthen which we had lain under through the whole course of the war.

But the English ministry having thought fit every where to extol and magnify the vast advantages that were granted to Great Britain, France resolved to make a proper use of it, and declared these articles were an eventual or conditional treaty only; and that the king of France would not be obliged to make them good, but in case of the signing of a general peace, in this sense M. Mesnager signed them, and with this condition they are accepted on our part. Hard terms! That such concessions as these were not to be purchased at a less price than forcing upon our allies such conditions of peace as France should be pleased to impose upon them. and this the ministry were fully apprized of some time before they were accepted; for in pressing to settle and adjust singly and separately the interests of Great Britain, they enforce it by saying France can run no risk in such engagements, since the special preliminaries will have no effect till a general peace shall be signed.

By these means the Committee observe to how fatal a dilemma the queen was brought by her ministry; she must either now go on through all adventures in the measures of France, or they had it in their power, by divulging the secret, and exposing such a notorious breach of national faith, to make what advantage they thought fit of it among the allies, who must from this time think themselves disengaged from the queen, if they could find their own account by looking after themselves.

And that the French were neither so ignorant, nor wanting to themselves, as to miss such an opportunity, appears above three months before these articles were signed. When lord Raby in his letter of the 20th of June, 1711, N. S. to Mr St. John, acquaints him that both the Pensionary and M. Vander Dussen had seen a letter from M. de Torcy, giving an account that they had begun a negotiation in England.

By this management the English ministry had, under colour of the queen's authority, and the pretence of treating a peace, put it in the power of France to divest the queen of all her allies, and given them greater advantages then they could any other ways have hoped for,

On the same day that the Special Preliminaries betwixt Great Britain and France were signed, which it was a fundamental condition should be concealed with the utmost secrecy, another set of General Preliminaries on the

part of France, No. 7, were signed by M. Mesnager only; which Mr. St. John, in his letter to the queen, says, were to be sent into Holland, as the foundation of a general peace, in which my lord treasurer had made some alterations to make the whole more palatable abroad. And on the same day, a separate Article was signed in favour of the duke of Savoy, which is here annexed. No. 7.

From this time a perfect confidence was established between the two ministries of England and France; and in the letters written in the month of October, a mutual sincerity is recommended and engaged for, and that a perfect unanimity be maintained for accomplishing the work in hand.

Lord Strafford's Instructions in order to his immediate return into Holland were now preparing, and dated Oct 1, O S 1711. And as an early proof of the confidence which Mr. St. John reposed in the French minister, he acquaints Monsieur de Torcy by his letter of Oct. 2, O S. that the earl of Strafford was going for Holland; and says, Your minister, (meaning M. Mesnager, who was then going back to France and carried this letter,) is fully informed in what the earl of Strafford is to propose to the States.

Such intelligence of the queen's counsels, which Mr. St. John confesses he had given to the ministers of the queen's enemies, seems very extraordinary; especially if it be considered, that lord Strafford was sent over to press the opening the general conferences, with assurances of the greatest friendship and concern for the interest of the States, on the part of the queen, and by her authority to procure from France just satisfaction for all her allies; and in his instructions is likewise directed to propose to the States a new scheme for carrying on the war, and to acquaint them with such resolutions as the queen had taken concerning it.

Lord Strafford's Instructions are hereunto annexed, No 8, wherein almost every article is a specimen of the sincerity with which our ministers intended to treat the allies. He is instructed that it must be the most careful endeavour and fixed principle of all the confederates to hold fast together; and this immediately after a separate treaty had been signed by us; and if the ministers of Holland should express any uneasiness at their apprehensions of any such private agreement, he is ordered by evasive answers to avoid giving them satisfaction concerning it. But his chief business was to deliver to the States the Propositions signed by M. Mesnager, as the foundation of a general peace, and as the whole of what had been transacted; and to acquaint them that France had proposed Utrecht, Nimeghen, Aix la Chappelle or Liege, to be the place for opening the conferences; to press the States to fix upon one of these places, and immediately to grant passports to the French plenipotentiaries to come thither and open the general conferences

These Propositions, so very general and uncertain, did extremely alarm the states, as not being a sufficient foundation upon which a negotiation might be hazarded, they dreaded the fatal consequences of opening the general conferences, before the articles offered by France were explained, and made specific; and especially before they knew at all what they were to trust to, for their own barrier, and for their commerce.

These considerations made them for some time decline granting the passports; and in order to prevail with the queen to have some regard to her faithful allies, and particularly in the two great articles of their barrier and commerce, they sent over Monsieur Buys to intercede with her majesty to alter her resolutions; they make the same representations to the earl of Strafford, but all to no purpose. For as Mr. St. John declared in his letter to my lord Strafford of Oct. 9, "Certain it is that her majesty has so far determined upon her measures, that those will deceive themselves who may imagine by delay or other artifices to break them." And again Nov. 2, to lord Strafford, The queen will not finally concert a plan for the prosecution of the war with the States, until they join with her in agreeing to open the conferences of peace. And lord Strafford acquaints Mr. St. John, Nov. 15, that he had now told them her majesty's order to him was to declare, That she should look upon any delay as a refusal to comply with her propositions.

In these circumstances the Dutch at last comply to grant the passports, and agree to open the general conferences at the time fixed by the queen, Jan. 1, 1711-12.

The resolution of the States General upon this occasion is hereunto annexed, No. 9, as a paper that must have moved any set of men, not already determined to hear no reason but what came from France; for although the representations made by the States, on both sides the water, had made some impressions, as is evident by a memorial delivered by Mr. St. John to the abbot Gaultier, Oct. 29, 1711. No. 10, and by Mr St. John's letter to M. de Torcy of the same date, No. 7, that accompanied it; yet 'tis in the Memorial declared, that the queen remains firm in her first resolution of causing the conferences to be opened upon the articles signed by M. Mesnager. The same memorial declares, it was absolutely necessary that the most Christian King should give to her Majesty the queen, such explications of his intentions in respect to the particular interests of the allies, which he shall think proper to engage them to come more easily into the general negotiation. So that hitherto it is plain, our ministers were entirely ignorant even of the King of France's intentions with regard to the allies. And again it is said, if her majesty wishes the most Christian King would give an explication to the aforesaid demands, &c. his most Christian Majesty may assure himself, the queen will make no other use of the trust the king shall repose in her, but to advance the negotiation, in seeking the shortest means, and

the most effectual, to obtain a peace so much coveted.

It is therein again acknowledged, that the Dutch have nothing in view but their barrier and commarce; and provided the queen can, without fear of being disavowed, specify somewhat near the barrier that France will consent to yield to them, and to assure them of the Tariff of 1664, there is no room left to doubt that the States General would come without any further hesitation into the negotiation, in the same manner as it had been concerted.

But lest all these arguments should have no effect, Mr. St John in his letter to M de Torcy, says, These Explications will dissipate all clouds, and you may believe we will make use thereof with great reserve, when I assure you, "that if the king would offer a plan of specific preliminaries, the queen will never communicate it to her allies;" he concludes, "If the Sieur Gaultier returns with these marks of confidence, you will see our parliament as much inclinable to peace, as ever it was to war."

Here the Committee cannot but observe the English ministry begging of France, after they had been seven months treating with them, that they may have some intimations at least of what was designed for the allies; expressing their fear of being disavowed by France, after they had gone these lengths with them; declaring the Dutch would come into the queen's measures if they could but know any thing near the barrier that was designed them, and have security about their commerce; persisting still, without any such satisfaction in the measures prescribed by France, resolved to force the allies into general conferences upon loose and uncertain articles, and promising if they could but have so much credit with France as to be trusted at all, they would use it with the greatest reserve, and never communicate it to any of the allies; for whose satisfaction only it is pretended all this submission was made.

The return made by France is to be seen in a paper called "Answer to the Memorial brought by M. Gaultier, Nov. 16, 1711" No 11. This memorial is accompanied with a letter from M. de Torcy to Mr. St. John, of the same date, wherein he tells him "his majesty wholly depends upon the secrecy and good use you will make of the entire confidence he testifies to the queen of Great Britain; and the king of France extols the firmness of the queen, and sees with great pleasure the new marks of resolution she shews.

The Committee think it needless to enter into a particular disquisition of this Memorial, but observe in general, that nothing had at this time been demanded of France concerning the disposal of the Netherlands; and that the king of France, not satisfied with having secured Spain and the West Indies to his grandson, proposes to strip the Emperor of all his dominions in Italy, and to impose upon him much worse terms than he afterwards procured for himself, when left to carry on the war alone. The Dutch may have the Tariff of 1664, with some exceptions, if they consent to this scheme; if not, they are to be punished with the loss of their trade, and to be reduced to the Tariff of 1699.

But, extravagant as this scheme was, it is received by the English ministers without any surprise or resentment, and Mr. St John, in his letter of the 25th Nov. 1711, thanks M. de Torcy for the communication of it; promises to make a discreet use of it, and to keep the contents with an inviolable secrecy, and that the utmost efforts shall be used by England to fix the pretensions of the allies; he represents it as necessary, that all those who wish for peace may mutually help one another, and endeavour to finish the treaty so soon, as not to be exposed to another campaign.

It is indeed no wonder, that this plan was never communicated to the allies, which must at once have broke off all the conferences, and determined them rather to run all hazards, than treat upon so ruinous a foundation; but it is a wonder that the English ministry were not startled when they saw such a scene opened: but this shews with what justice the ministry complained, that the allies would not enter into the queen's measures, when they never were informed what the queen's measures were.

Pursuant to the resolution of the States general upon the pressing instances of the queen, passports for the French plenipotentiaries were sent to Monsieur Buys, and delivered to Mr. St John. Utrecht is agreed upon here to be the place for the general conferences.

The bishop of Bristol, then lord privy seal, and the earl of Strafford, are appointed her majesty's plenipotentiaries.

Dec 23, 1711, her majesty's Instructions to her said plenipotentiaries are settled and signed, and are hereunto annexed No. 12.

The Committee think fit to make one observation upon these general Instructions, wherein the plenipotentiaries are ordered, "That if it shall be thought proper to begin by the disposition of the Spanish monarchy, you are to insist that the security and reasonable satisfaction which the allies expect, and which his most Christian Majesty has promised, cannot be obtained, if Spain and the West Indies be allotted to any branch of the House of Bourbon;" so that hitherto the queen thought fit to declare in all public acts, that Spain and the West Indies ought by no means to be left in the possession of the House of Bourbon; although in the special preliminaries, signed by the earl of Dartmouth, and Mr. St John, on the 27 Sept. preceding, the king of France had expressly promise to make good the sixth Article for himself, and for the king of Spain, pursuant to the powers which were then in his majesty's hands.

On the 15th Jan, 1711-12, the British plenipotentiaries arrive at Utrecht; who by their general instructions being ordered to concert measures with the ministers of the allies, and at the beginning pursuing these directions; M. de Torcy, on the 24th Jan. writes to Mr St.

John, and tells him, "he perceives there was not so perfect a confidence established between the plenipotentiaries of France and Great Britain, as was to be desired: He believes therefore he will think it proper to send to the bishop of Bristol and the earl of Strafford more precise instructions, concerning the manner in which they were to concert their proceedings with the king's plenipotentiaries." And in the answer to the memorial sent by M. Gaultier, March 28, 1712, it is declared "the principal order that the king had given to his plenipotentiaries, when they set out for Utrecht, was to establish a strict intimacy between them and the ministers of the queen of Great Britain."

On the 29th Jan. at the first general conference, lord Strafford took occasion to declare, That the queen had received the general propositions as a foundation for a negotiation of peace: but that they were binding to France only, and not to the allies; to which the French ministers readily assented. But it is to be observed through the whole proceeding, that this is meant of the propositions signed by M. Mesnager only, the congress not having the least notice or cognizance of what was signed, both on the part of France and England too; which had been hitherto concealed, and upon all occasions publicly disowned.

On the 11th Feb. 1711-12, the French delivered a specific Explanation of the General Preliminaries, signed by M Mesnager. No. 13.

It must be observed, that the King of France here makes, as well as in the special preliminaries, his first offers, in the name and by virtue of powers from his grandson as king of Spain, how the British plenipotentiaries could reconcile this to their instructions, and how their behaviour upon it is to be justified, is not very clear.

This explication was received by all the allies with the greatest indignation, and deepest concern; which had such an effect, that lord Strafford, in his letter of the 16th Feb 1711-12, says, the French ministers are mortified at the general discontent these offers gave; and seem to wish they had put in Tournay for the Dutch, and St Venant to be demolished, to have softened the matter at its first coming out.

Nor were our plenipotentiaries without their uneasinesses: They had done all they could, lord Strafford says, to persuade the French to be as ample in the explication as they could, "being that is what will have a great effect, and strike the minds of unthinking people, and make some work for reflection for the faction." The plenipotentiaries complain, they are under great difficulties on all hands, for both Buys and Mesnager think they come short of what had been told them in England; and the allies then forming their respective demands in concert with each other, they want further orders: The plenipotentiaries are at a great loss how to behave about Spain, both in regard to the particular advantages that were to be asked on the behalf of Great Britain, and the general disposition of it.

But Mr. St. John soon sends them words of comfort, that Mr. Harley will set out in a few days, who is fully instructed in all the queen's views and desires, "That it were to be wished this gentleman could have been sooner sent, but the hurry which we have been for some time in is unexpressible, and he was too useful to be spared, 'till the House of Commons was perfectly secured to the queen's interest, and to the measures of peace. I think I may say they are absolutely so now. He confesseth the French plan to be too scanty. That they must let the French ministers know, that the whole turns upon their manner of proceeding, her majesty having gone further than could have been expected from her in promoting the peace."

The Committee cannot but take notice of the reflection that is cast here upon that House of Commons; as if they were secured to the queen's interest, and the measures of peace, by the management of a secretary to the treasury, a near relation and a trusty agent of the lord high treasurer.

For whose use and service Mr. Harley had been so well employed at home, and was now to be sent abroad, cannot be a doubt, since Mr. St. John thought it necessary to give M. de Torcy an immediate account of his successful endeavours here, and the business he was sent abroad to manage.

In his letter of March 4, to M. de Torcy, he tells him, "He had deferred writing of late, till he might write with certainty; till the necessary dispositions were made among our people at home; and till the queen had taken the only resolution, which could bring us in a short time to a good and solid peace. I have now the satisfaction to tell you that this resolution is taken, and that Mr. Harley will carry with him this night, or to-morrow morning, the final instructions of the queen to her plenipotentiaries. I refer myself to M. Gaultier, to explain to you more at large the subject of this gentleman's commission; and what the queen hopes most Christian majesty will do to co-operate with her."

These Instructions of Mr Harley do not appear; but it seems the subject of them was not proper to be committed to writing; for a reason, as in almost all matters relating to the Pretender, it is referred to M. Gaultier to explain them; but what is meant by the necessary dispositions made among our people here at home, is pretty well explained by M. de Torcy, in a memorial dated the 23th March 1712, in answer to what was brought by M. Gaultier, wherein he commends the prudent conduct of the court of Britain, in managing the House of Commons, and in particular their wise conduct in making known to the House of Commons, that the nation was abused by the allies: and says, the king of France assures himself that those who now manage with so much capacity the affairs of the queen of Great Britain, know how to curb the passion of a turbulent party in the other House.

In the mean time the allies, having each of them drawn up their respective demands at Utrecht, met together on the 4th March, N. S. to communicate them to each other, as had been concerted, and likewise agreed that a clause should be inserted in their respective demands, for a just and reasonable satisfaction for all the rest. Count Zinzendorff further insisted that the restitution to the whole Spanish monarchy should be expressly mentioned. The Dutch delare they were resolved to make good all their treaties, made on occasion of this war, as well those that related to Spain and the Indies, as those made with Portugal.

What the behaviour of the British ministers was upon this occasion, will best appear by an extract of their own letter of March 6th, wherein they give an account of the whole proceeding, No. 14. They were the only ministers that did not make any mention at all of Spain and the Indies; and were sensible of the disadvantageous consequences of being so; they were desirous to take off this odium, by seeming to say something, and in reality to say nothing; which they do by a general declaration concerning the just and reasonable satisfaction for the queen's allies, in conformity to her alliances; and humbly hope what was said, will not be found contrary to what has hitherto been declared.

On the 5th March the specific demands of the allies were delivered to the French plenipotentiaries in writing; they promise to explain themselves further upon them at the next conference, which was to be the 9th, and then desired a further time to the 30th.

On the 30th the French plenipotentiaries declare they were ready to proceed in the negotiation by debating with the several allies; but would give no answer in writing.

This was a great surprize to all but the British ministers, whom the French had beforehand advised with. The allies still resolved to press the French to answer in writing, and solicit the British ministers to join with them in it; who, that no mark of disagreement might appear (as their lordships express themselves in their dispatch of the 1st April, 1712) did finally consent to an instance that was to be made the next day, to require an answer in writing.

But lord Strafford had before given Mr. St. John an account of his opinion in his letter of the 25th March; wherein he says, "I cannot help saying I believe the French have taken the wisest part not to answer in writing, though most of the ministers of the allies will be surprized, expecting they should;" and says further, "I believe it is best they should first begin in the open congress to reason upon some of the allies demands, which will occasion so much difficulty that the ministers of the allies will propose debating separately, which had better come from them than any one else."

The French ministers still persist in their refusal, upon which the states came to a resolution at the Hague, not to treat unless an answer was given in writing.

However the French continue obstinate. Lord Strafford sends an account that a resolution was taken at the Hague to carry things to an extremity; upon which occasion Mr St. John expresses himself in this manner, April 5, 1712, "That he hopes the resolution taken at the Hague to carry things to an extremity, was the last convulsive pang of an expiring faction," and yet this resolution was no more than to insist on a demand, in which all the allies were unanimous, and in which the British plenipotentiaries had themselves concurred.

But what made the French thus persist in the resolution of giving no answer in writing, is accounted for in lord Strafford's letter of the 27th April, 1712, wherein he says, "The pensionary was extremely desirous the French would answer in writing, which (it is his lordship's opinion) they will evade till they see what success Gaultier has had at London;" and in his letter of the 30th, "The French will avoid giving their answer in writing, till they see all agreed betwixt their court and ours."

And, to shew that the French were very well satisfied with the method their business was in, the plenipotentiaries in their letter of April 15, 1712, say "They do not find the French are much convinced of the necessity of dispatch; and when any thing is let fall of breaking off the conferences, they seem to take it with a great air of indifference; well knowing their business was not to be done at Utrecht, but by a negotiation carried on directly betwixt London and Versailles.

About the beginning of April, Mr. Harley and M. Gaultier arrived at Utrecht, in a very few days after, the French plenipotentiaries communicate to the lord privy seal and earl of Strafford a plan for a general peace, to which they had added, by way of marginal notes, in a distinct column, what they are told will be absolutely necessary in order to a general peace: But this is entrusted to them under the highest obligation of secrecy, to discover nothing of it to the rest of the allies.

Our plenipotentiaries accept this plan as a mark of the great confidence France had in them; and readily engage that the allies should not be permitted to know a word of it, and under the same caution sent it to the secretary. But there is no room to doubt, but this plan, that was transmitted to England as a great discovery, was concerted here, and sent by Mr. Harley to Utrecht, and by Abbot Gaultier to France.

Mr. St. John much concerned at the behaviour of the allies, and the Dutch in particular, thinks it proper to make one attempt more, as he calls it, to gain them; and therefore orders the plenipotentiaries to acquaint them, that her majesty will consent to their having Dendermond and Ghent, and at the same time depart from her pretensions to Ostend; and is willing that the trade to Spain and the Spanish Indies be settled upon the same foot as it subsisted at the death of the late king of Spain,

in all respects, except the *assiento*: and their lordships are ordered to tell them in very plain terms, that her majesty's measures will be taken according to the return they make to the queen on this occasion.

But at the same time no communication at all is made to the states, of the general plan of peace last delivered by M. Gaultier, as there never had been of any other, although in this last the interests of all the allies were settled and determined between Great Britain and France.

And to shew how candidly we dealt with the queen's good friends and allies, the Dutch, as her majesty was pleased to style them, the 15 per cent. upon all the goods and manufactures of Great Britain, which was offered at first as one of the chief bribes to England to come into this destructive peace, M Mesnager had now explained away, and confined to such goods as were carried, not to Spain, but to the Spanish West Indies only; and our ministers finding that France would not make this effectual, Mr. Harley is ordered to let it drop. But see the use that is to be made of this insincerity of the French; at the same time that Mr. St John acquaints our plenipotentiaries with her majesty's consent to give this up, he tells them, "But you will take care to do this in such a manner, as not only to get something for it another way, but also to render this concession of the queen's a means of bringing the Dutch to reason, and in a compliance with her majesty's measures."

Lord privy seal, April 29th, 1712, acquaints Mr. Secretary, our negotiation is at a stand, till the French ministers are ready to return one answer another; and May the 10th, 1712, the plenipotentiaries say "The French tell us they can't think of giving in their answer to the allies, till they hear from England the success of M. Gaultier; and you may believe we wait for it with no less impatience than they do."

Mr. St John, May 3d, 1712, acquaints their excellencies, "I hope in a few days my dispatches will become more material, and that we shall be able either to satisfy our friends at Utrecht, or not have reason to be much concerned at their uneasiness."

This ends in lord Strafford's being sent for into England, and the following orders are sent to the lord privy seal for his further conduct, "You are to stop all instances for procuring the tariff of 1664 to the Dutch; you are to decline absolutely to confer any further with them upon any matter, till you receive the queen's plan from hence, and that you will not, I hope, be long in expectation of; and her majesty finds so ill a return made by the states to her condescension towards them, that she likewise orders your lordship to take the first solemn opportunity of declaring to the Dutch ministers, that all her offers for adjusting our differences were founded upon this express condition, that they came immediately into the queen's measures, and acted openly and sincerely with her; and that she looks upon herself, from their conduct, now to be under no obligation whatsoever to them."

The Summary then of this whole proceeding at Utrecht in one short view appears to be this; a congress for general conferences was necessary to be opened, that the allies might in appearance, agreeable to the grand alliance, have the opportunity of treating and adjusting their several pretensions.

Our ministers were by their instructions to act in concert with the allies; but they really acted in concert with the French plenipotentiaries.

The allies giving in their specific demands was not to be avoided; but the French were to gain as much time as they possibly could, by unnecessary delays; and at last insist upon such a method of answering these demands, as they knew the allies could not comply with. In the mean time the negotiations were carrying on directly betwixt England and France, or rather all the conditions dictated and prescribed by France; whilst the allies were amused with a dispute about the method of answering, from which France would not, and they could not possibly depart; in which England agreed with the rest of the allies. All particulars that concerned even the interest of the allies were transacted betwixt the ministers of England and France, under the highest obligations of secrecy: the Dutch are pressed to come into the queen's measures, without being acquainted what the queen's measures were; and because they would not consent to they knew not what, as soon as it was resolved to send orders to the duke of Ormond not to engage in either siege or battle, and the great projects were ready to be executed on the other side of the water; the queen declares she looks upon herself now, from their conduct, to be under no obligation whatsoever to the states general, and thus the alliance betwixt Great Britain and her principal ally is declared to be dissolved and cancelled, before any thing was finally agreed and concluded betwixt us and France; or we had the least security for our own trade and commerce, or any other advantages that were to accrue to Great Britain.

During these negotiations at Utrecht, and the disputes that had been industriously raised and kept on foot; the two great points of the renunciation of the Spanish monarchy, and of the cessation of arms, had been upon the anvil.

The first mention that is made of the renunciation in order to be treated of, is found in a memorial dated March 28th, 1712, intituled, "The Answer to the Memorial brought by M. Gaultier the 23d March, 1711-12." this memorial which was received in France the 23d of March is suppressed, but the contents of it may in a great measure be collected from the answer that was given to it. Thus much appears certain, that as the general proposal that the crowns of France and Spain should never be united arose first from England, and was made an article in the private propositions sent

over by Mr Prior; so from that time to this, the method of preventing that union does not appear to have been once mentioned. The sense of France and Spain upon that important article was not known, nor so much as asked; although in every step France had given plain indications, that the crown of Spain was to remain to king Philip; and the committee is surprized to find the ministry had gone such lengths in promoting the measures of France, without taking the least precaution, or having any satisfaction, concerning the monarchy of Spain; wherein the interest of Great Britain was by their own confession more immediately concerned, than in all the other articles of the peace put together.

But it is plain that in this memorial sent from England, the scheme for preventing this union was first proposed by England, and that the expedient was a renunciation: and as this is a matter of such importance as deserves the greatest attention: that it may be seen in its true light, the committee have annexed the extract of the Answer to the said Memorial, and the several letters that passed betwixt M. de Torcy and Mr. St. John upon this subject, No 15.

In this Memorial M de Torcy declares in the strongest terms, "That the renunciation desired would be null and invalid by the fundamental laws of France, according to which laws the most near prince to the crown is of necessity the heir thereto; it is an inheritance that he receives, neither from the king his predecessor, nor from the people, but from the benefit of the law, so that when one king dies, the other succeeds him forthwith, without asking the consent of any person whatsoever. He succeeds not as heir, but as the master of the kingdom, the seignory whereof belongs unto him, not by choice, but by right of birth only. —He is not beholden for his crown either to the will of his predecessor, or to any edict, nor to any decree, nor to the liberality of any person, but to the law. This law is looked upon, as the work of him who hath established all monarchies, and we are persuaded in France, that God only can abolish it. No renunciation therefore can destroy it; and if the king of Spain should renounce, for the sake of peace, and in obedience to the king his grandfather, they would deceive themselves that received it as a sufficient expedient to prevent the mischief we propose to avoid."

Then he gives an account of the disposition made of the succession to the crown of Spain by king Philip and registered in the councils of Spain; which disposition he proposes may be confirmed by the present treaty of peace, and ratified by the Cortes or states of the kingdom of Spain.

Mr. St. John in his Answer, March 23d, 1711-12, O. S. rejects this proposal, and not at all convinced by what M. de Torcy had so strongly urged concerning the nullity of the renunciation, insists still upon it; "We are ready," says he, "to believe you are persuaded in France, that God alone can abolish that law, upon which your right of succession is founded; but you will give us leave to be persuaded in Great Britain, that a prince may depart from his right by a voluntary cession, and that he, in favour of whom that renunciation is made, may be justly supported in his pretensions, by the powers that become guarantees of the treaty. In short, Sir, the queen commands me to tell you that this article is of so great consequence, as well for herself as for the rest of Europe, for this present age as for posterity, that she will never agree to continue the negotiations of peace, unless the expedient she has proposed be accepted, or some other equally solid."

M de Torcy, in answer to this letter, April the 8th, N. S begins to think it cannot be impossible to find an expedient to settle this great affair, and he proposes that when the king of Spain shall become either immediate successor, or presumptive heir to the crown of France, he shall then declare the choice he intends to make; either to maintain his right to the crown of France, or keep that of Spain; that king Philip shall became party to the treaty, wherein the succession to the two crowns shall be likewise settled; and that all the powers of Europe shall enter into an engagement with France to maintain it.

Mr. St. John, April the 6th, O. S. reasons against this last proposal, and the several projects contained in M. de Torcy's last letter; insists that no expedient can effectually secure Europe from the dangers wherewith it is threatened by the union of the two monarchies, unless the prince, who is at present in possession of Spain, makes his choice at this very instant; and, upon a supposition that the crown of Spain would be his choice, that this declaration should be made during the congress at Utrecht.

April 26th, N. S. M. de Torcy, seeming always to comply with what was desired, agrees that the catholic king must calm the uneasiness of Europe in declaring from the present time what part he will take, if ever the succession of France is open in his favour. That the inconveniences arising from hence must submit to the public good. "Then, Sir," says M. de Torcy to Mr. St. John, "the king approving your proposition, dispatches a courier to Spain, and writes to the king his grandson, to let him know the necessity of resolving on the choice he shall make; and to declare it, to the end it may be inserted on the treaty of the general peace; and be made a condition of it, whereof all Europe shall be guarantee;" And promised to use all possible means, even force, if it were necessary, to make the king of Spain agree to it. He hopes this proposition will in a great measure remove all difficulties; and, as they must expect new obstructions from those who would willingly break the conferences, he believes the best way to disappoint their designs would be, for the queen of Great Britain to propose immediately a suspension of arms; for

they ground their hopes upon the event of the campaign.

April 29th, O. S. Mr. St. John answers this letter, and treats this proposal as liable to all the objections of the former, and argues thus upon it. "Although the king of Spain should at this instant declare his choice; What greater security will Europe have, if the execution of that choice be deferred to another time? In offering that he shall be obliged to declare his choice at this present time, you agree, that neither the stipulations of a treaty, nor the guarantee of the powers engaged in the present war, would be sufficient to secure that the choice shall be made; how then can we conclude that they will be sufficient to secure, that, when the case shall happen, he shall quit one crown to accept of the other, according to the choice which he shall now make?" He goes on, "The queen has often declared, that it will be impossible for her to be content, with any expedient which shall not be very solid, upon an article of so great importance as the reunion of the two monarchies. This would be to lose the fruit, of all the blood which the allies had spilt in the course of this war; this would be to betray the common cause of Europe; and to expose both the present age and posterity to greater dangers than it is possible to imagine." In short, he insists "that they must take care that the time shall never be, when the same prince shall have the crown of Spain upon his head, and the succession to the crown of France open to him." He at last proposes, "If the king of Spain prefers the expectation of the crown of France, to the present possession of Spain, in such case he shall withdraw forthwith with his family out of Spain, the possession of which, and of the Indies, should be given to the duke of Savoy; that king Philip should have the kingdom of Sicily and the hereditary dominions of the duke of Savoy, together with the Monferrat and Mantua, all which dominions he should remain possessed of, though he became king of France, excepting Sicily, which in that case should return to the house of Austria."

May the 18th, N. S. M. de Torcy, still yielding and complying with the measures of England, shews the great hardship the king of Spain must undergo, in sacrificing his own, and the interest of his family, for the establishing a general peace; however, the king of France would send to him to know his mind upon the two alternatives. In the mean time the king of France promises that the treaty of peace shall be made, upon the foundation of one of these two propositions; either that the king of Spain shall renounce his right to the crown of France, and keep Spain and the Indies; or if he prefers his expectation upon France, he shall quit Spain and the Indies to the duke of Savoy, in exchange for the present dominions of the duke of Savoy, &c. as proposed by Mr. St. John. He hopes by this promise of the king of France, all uncertainties are removed; and submits to the queen's decision, "to consider what method would be the most conducive to the general good." It would be very unhappy if any event, during the campaign, should fall out to disturb the good dispositions that are seen at present for establishing the public repose."

The correspondence between the two secretaries for preventing the union of the two kingdoms, carried on from about the middle of March to the 18th of May, 1712, ended at last just as it began; and king Philip chose to make the renunciation. The French minister giving us such early notice, and telling us so very plainly, that what we asked was utterly insufficient, and would be for ever deemed by the unalterable laws of France null and void, is very remarkable. His dexterity in managing that part of the negotiation, in seeming always to comply, and desirous to come as near as possible to the proposals made from hence, and submitting at last since we would have it so, to the renunciation so peremptorily insisted on, is no less observable.

But it is unaccountable how the English ministry, when they were expressly told those would deceive themselves, who should accept of a renunciation as a sufficient expedient to prevent the re-union of the two monarchies; when they laid it down themselves, as a principle never to be departed from, that the union of the two monarchies would be the greatest mischief that could possibly happen to all Europe, and to Great Britain in particular; should still persevere in relying upon this expedient of a renunciation. And it cannot be forgot, that no care was taken to render effectual the two only expedients, that were ever proposed for adding any degree of real security to the renunciation; Which were, to have it solemnly accepted by the states of France, and to have it confirmed by a general guaranty of all the powers of Europe engaged in the present war. The first was asked indeed; but upon a refusal of France, was entirely given up by our ministry. The second, by our method of negotiating, and our treatment of the allies, was from that very time rendered impracticable; as the French could not but foresee. It must be remembered, that a few days after this answer of M. de Torcy was received, Mr. St. John sent orders to the British plenipotentiaries to declare to the states general, the queen was now under no further obligations whatsoever to them, who with the rest of the allies were to be guarantees of this treaty.

The Committee think it proper to mention here a passage in a letter from the lords plenipotentiaries to Mr. St. John, Feb. 26, 1711-12, N. S. who acquaint him, that in some discourse with the mareschal D'Uxelles upon occasion of the death of the Dauphin, they desired to know of him, what those measures are which France offers to take in order to prevent the union of the two kingdoms; and whether they were to consist in real or verbal securities; the French minister pretended to know no other [illegible] of the latter sort. And then they suggest

to Mr. St. John, that an obligation upon king Philip to renounce the regency as well as the crown of France, for himself and his posterity, would amount to some degree of real security. But no endeavours were used to obtain this, nor any mention made of it, as far as appears.

Mr. St. John, as secretary of state, transacted this affair with M. de Torcy; but as it cannot easily be supposed, that he did this without the advice and approbation of the lord treasurer, as first minister; so it appears, that at the same time a correspondence was held betwixt the lord treasurer and M. de Torcy: Mr. St John says in his letter of the 24th April, 1712, he was forced to stop the courier which he designed to dispatch the day before, to wait for a letter which my lord treasurer writes to M. de Torcy; and April 11th, he was obliged to stop the courier till to-day, in hopes that lord treasurer would be in a condition to answer M. de Torcy's letter, but the defluxion in his eyes, which has hindered him for five days, still continues. And April 20th, M. de Torcy is very much concerned for the indisposition of my lord treasurer, and ardently wishes he may soon recover. "It is very important," says he, "that those who, like you and him, have had the principal share in the work of peace, should have the glory of finishing it."

M. de Torcy's letter of the 16th May, N. S. was received by Mr. St. John the 9th May, O. S and the promise of the king of France to oblige his grandson to accept the alternative of the two kingdoms had so good and sudden an effect, that the day following, without waiting the return of the courier from Madrid, to know whether king Philip did consent or not to the proposal, orders are sent to the duke of Ormond by Mr. St. John to avoid engaging in any siege, or hazarding a battle till further order. And he is directed to disguise the receipt of this order. Her majesty thinks he cannot want pretences for conducting himself so as to answer her ends, without owning that, which at present might have no ill effect if it were publicly known.

On the same day that these orders are sent to the queen's general with directions to disguise them, which was to conceal them from the confederates, they are communicated to the queen's enemies. Abbot Gaultier will give you an account, save Mr St. John to M de Torcy, of the orders I have just now dispatched to the duke of Ormond. What Mr. St. John himself thought of the importance of this order is to be learned from his letter to Mr. Prior, Sept 19, 1712. The moment I read the queen a letter from M de Torcy, by which it appeared that the king of France would oblige his grandson to accept of the alternative of quitting one of the two monarchies, her orders were dispatched to the duke to engage in neither siege or battle; and she prescribed the French from even making the demand. I will not say that this order saved their army, but I think in my conscience that it did.

On the 24th May, 1712, Mr. St. John writes again to M. de Torcy, although they had yet received no answer from Madrid concerning the renunciation, but being pressed in time, and finding it necessary for the queen to make the communication to parliament, that she had promised, of the terms on which a peace might be made; he acquaints him with the steps the queen was resolved to take; provided the most Christian King will render them practicable for her. And in a Memorial of the same date, No. 22, specifies the conditions upon which her majesty consents to make such important steps, and decisive declarations to her parliament, as these which follow. First, that she had settled with France the interests of Great Britain. Secondly, that she looks upon the interests of the other powers engaged with her in the war, as easy to be adjusted, since, the king offers to the greatest part of them very near what they have demanded, and to all a just and reasonable satisfaction. Thirdly, that she will set about accommodating the affairs of her allies; and that, to prevent all the obstructions which the events of the campaign might occasion of the negotiations of peace, she had agreed with the king to a suspension of arms.

The conditions specified in the memorial, are demands relating to North America, to commerce, and the suspension of arms.

In the article concerning Commerce, it is said, That several points relating to trade requiring a longer discussion than the present crisis would admit, and the queen being much more intent upon securing the general peace, than any particular advantages; demands at present only the two following conditions. First, that commissaries should be named on both sides to meet at London, there to examine and settle the duties and impositions to be paid respectively in each kingdom. Secondly, that on privileges or advantages, relating to commerce with France, shall be yielded to any foreign nation, which shall not at the same time be granted to the subjects of her Britannic majesty; as likewise, no privilege or advantage, in religion to the trade of Great Britain, shall be yielded to any foreign nation, which shall not at the same time be granted to the subjects of France.

As to the Suspension of Arms, her majesty will consent it shall be made for two months: provided, first, that within the said term the king of Spain shall either make the renunciation demanded, or shall yield Spain to the duke of Savoy, upon the conditions mentioned in Mr St John's letter of the 20th of April O. S Secondly, that the French garrison shall evacuate Dunkirk, and the queen's troops be admitted, the same day that the suspension of arms shall commence. Thirdly, that in case the states general shall at the same time consent to the suspension of arms, it seems reasonable they should have the liberty of putting a garrison into Cambray.

Upon these conditions your Committee cannot but observe, That although it was daily in-

stilled into the minds of the people, that the great advantages in trade and commerce secured to Great Britain, were the chief inducements to the ministry to engage in these measures with France, it is here declared they were more intent upon the general peace, than any particular advantages. And whereas it was laid down as a principle from which the queen would never depart, that the interests of Great Britain should in the first place be adjusted; and the great advantages stipulated for these nations, before the conclusion of the peace, were to justify the peace, and all the steps that were taken to procure it; it is now evident that no mention was made of our trade in Spain; and for our commerce in general; the settling of that was postponed, and all points in dispute, betwixt Great Britain and France, were to be referred to commissaries; which proposition was not demanded, but voluntarily offered by Mr. St. John.

On the 8th June, N. S. 1712, M de Torcy sends an account, "That the king of Spain, of the two propositions, had chosen to keep Spain and the Indies, and to renounce, for himself and his descendants, the right to the crown of France. This principal obstacle to the peace being removed, the king of France expects that the queen will now clear, on her side, the rest of the difficulties, which may obstruct this great work; by making such declarations as had been promised upon the return of the courier from Madrid, and as are necessary for this end. The king thinks the first and most urgent is, to settle a suspension of arms, either general, or at least between the two armies in the Low Countries, which may continue till the conclusion of the peace."

On the 10th June, N. S. M. de Torcy acknowledges the receipt of Mr. St. John's letter of the 24th of May, O. S. together with the memorial; and sends another Memorial in answer to it, containing the king of France's answer to these last demands of the queen, No 23.

He takes notice, that the letters from the army mention a design to invest Quesnoy, in order to besiege it; but the king cannot think that the queen approves of such an undertaking, much less that her troops shall be employed to render it successful: He concludes, that if a suspension is not immediately made, we may find ourselves indispensably drawn into some great event, which he hopes the secretary's prudence and care will prevent. And although in the answer to the queen's demands, nothing material that was asked for our trade in North America is granted, the evacuating of Dunkirk, and admitting an English garrison is not agreed to, and the receiving a Dutch garrison into Cambray is absolutely refused, which were proposed as conditions of the suspension of arms, M. de Torcy hopes that this return to the queen's demands will occasion no new trouble, but as the beginning and whole course of this negotiation was carried on upon the *bona fide*, and a mutual confidence, of which they had seen the good effects; it is necessary to banish all distrust, and the queen to repose an intire confidence in his majesty, without insisting on demands which may serve only to create jealousies.

On the 5th June, O. S. Mr. St. John owns the receipt of M. de Torcy's two letters of the 8th and 10th June, N. S. and says, "although the King of France had not answered the queen's demands according to expectation, which were the conditions on which the queen was to make such peremptory and decisive declarations; yet the queen would not defer going that day to parliament, and making all the declarations that were necessary to render the nation unanimously inclined to the peace; that she had not indeed mentioned to the parliament the suspension of arms, but had commanded him to acquaint M. de Torcy with the resolutions she had taken in relation to it, and insisting upon the renunciation as the capital point of the negotiation; and for which, her majesty would rather depart from almost all the points that had been agreed upon, than leave that to any uncertainty. Upon this foundation the queen hopes, that the most Christian King will not find any thing offensive in the demands, which she found herself obliged to renew, being conditions for a suspension of arms between the two armies in the Netherlands; which if the king consents to," says Mr St. John to M de Torcy, "you have only to sign and send to the duke of Ormond, who, at the same time that he takes possession of Dunkirk, will declare to the allies, that he has orders to act no further against France." He acquaints him that "Lord Strafford was going back to Utrecht, that the instructions he was to carry will, according to your desire, put the queen's plenipotentiaries in a condition to keep no longer those measures to which they have been hitherto obliged to submit, but from henceforth they may openly join with those of France, and give law to those who will not submit to just and reasonable conditions;" and promises when lord Strafford goes, he will dispatch another courier to inform him of the orders he carries.

Your Committee think it proper to insert here and extract of a letter from the earl of Strafford to Mr. St. John, of the 30th of April, 1712, N. S. "Thus you still see the temper here, and the time it will naturally take to get the Dutch (if they will at last settle a plan) before it can be done. You see the events we are exposed to by the operations in the field the mean time, and you have it by this time in your power to terminate all, and even to stop the operations of the army for a month, till the negotiation is ended one way or other: There is no pretence now it can be a prejudice to us, should a cessation be made; for the former pretences are out of doors, of its being impossible for the French to make magazines for their army to take the field as soon as ours and having burnt those magazines at first affirmed impossible to be made, for us by that

means to be masters of besieging either Cambray or Arras, and our army's marching to Paris is stopt at least for this summer in all appearance. The French are now better posted than we are; their army is much stronger. We cannot march to surprize them in other parts of their lines till we have green forage, which won't be up these three weeks at soonest. They have all their troops up, and we want a great part of ours, especially the imperialists, who it is said, cannot join the army in a month yet; so that now the advantage of a cessation of arms is on our side, if they will, for the sake of peace, consent to it. If, upon these and other considerations, a cessation is thought in England necessary, the queen must not propose it, but at the same time be resolved to put it in execution on her side, if agreed to by the French; because such a proposition will be sure to meet with opposition, unless backed with resolution, and may have the effect of making those who delight in war undertake with so much the greater precipitation some desperate attempt." Upon what groundless allegations the earl of Strafford did here advise a suspension of arms, is submitted to the consideration of the House.

The Articles for a Suspension, signed by Mr. St John, June the 6th, O. S. and the Answer, signed by M. de Torcy, June the 22d, 1712, N. S. are annexed No. 24.

The next day, June the 7th, O. S. Mr St John writes a private letter to M. de Torcy, expressing the utmost confidence in the good faith of the most christian king; thinks it necessary to hasten the peace; tells him, it would frighten the Dutch to be told the queen will act no longer against France; and that if they do not hasten to make their agreement, they will have a burthen upon their backs which they are not able to bear.

On the same day Mr. St. John sends to the duke of Ormond copies of these two last letters, and of the Memorial sent to the marquis de Torcy. "They have been," says his lordship, "prepared by the queen's order in answer to the last express which came from France, and you will perceive by them, my lord, that the queen insists on the execution of the article relating to Spain, and to the delivery of Dunkirk, as points without which she will not declare for a cessation of arms in the Netherlands; but if these conditions are accepted, and sent signed by the marquis de Torcy to your grace, and Dunkirk put into your possession, you are publicly to own that you can act no longer against the French. If they are not consented to, you are entirely free from restraint, and at liberty to take all reasonable measures that are in your power for annoying the enemy. It is probable the marshal Villars may receive the orders, which will be sent him from Versailles, within a day after this letter will come to your hands. Your grace will therefore lose no time in acquainting him, that your expectation of hearing from his court that which must determine your proceedings; and that, according to the king's resolution, you are either to look upon yourselves on both sides as freed from any restrictive orders, and in full liberty of acting against each other: or that you are openly to declare for a cessation."

The committee think it necessary now to go a little back, and observe what Orders and Instructions had been given to the duke of Ormond, and what accounts he had sent of his proceedings during the time the correspondence relating to the renunciation was carrying on.

On the 12th of April 1712, N. S. his Instructions are signed by the queen, No. 25. He is ordered to repair first to the Hague, and to see the pensionary, before he puts himself at the head of the troops; to express to him the queen's resolution of pressing the war with all possible vigour; to assure him he is prepared to live in a perfect good correspondence with all the generals, and particularly with those of the states; to inform himself what plan has been agreed for the operation of the campaign; And as soon as he arrives at the frontier, to meet with prince Eugene, and such of the generals as shall be in the secret, and with them to concert the proper measures for entering upon action.

Your Committee conceive these Instructions signed by her majesty must be the rule of his grace's actions, till countermanded or revoked by equal authority, there being no general direction in them to follow such further orders as he should receive from a secretary of state.

On the 24th of April, N. S. The duke of Ormond gives the secretary an account, "That according to his instructions, he had given the pensionary all the assurances of carrying on the war with vigour, and, and acting in confidence with all the allies, and more especially the Dutch; which were received with the greatest professions of duty and respect to her majesty."

On the 30th, the duke of Ormond had been in conference with the council of state, where, his grace says, there were great expressions of duty to her majesty. They told him there was no particular resolution taken as to the operation of the campaign, but left it to their generals, who with their deputies are to act in concert with the generals of the allies, and that they had given orders to their generals to live in a good correspondence with his grace.

On the 25th of April, O. S. which must be observed was before it was known France had agreed so much as to propose to the king of Spain the alternative of the two monarchies, which was not till the 18th of May, N. S. Mr. St. John began to give the duke of Ormond some distant hint of the scene that was afterwards to be opened, and tells him, "The queen inclines to be of opinion, that all the troops, whether subjects or foreigners, belonging to her, should be immediately under his grace's command. There may have been formerly reasons for using a different method, but

there seems at present to be some or a very strong nature for taking this, and perhaps these may every day grow still stronger. Insinuates there may be reason to be jealous of prince Eugene; and on this occasion his grace is directed to be more cautious for some time of engaging in an action, unless in the case of a very apparent and considerable advantage, upon pretence of waiting till the German troops were all arrived, that they may have their share, if there is to be any action."

On the 9th of May, N. S. The duke of Ormond acknowledges the receipt of two letters from Mr St. John of the 16th and 22d of April, neither of which appear. But his grace says in answer to the secretary, "I am of your opinion, that a battle won or lost would at this time make very great alterations in the treaties now on foot; But you remember that, in my instructions, I am ordered to act in conjunction with the allies in prosecuting the war with vigour; so that, should there happen a fair opportunity to attack the enemy, I cannot refuse it, if proposed by the prince and States But I hope to have the messenger before the armies are formed, which will be in 3 or 4 days."

On the 12th of May, N. S. The duke of Ormond expresses still the same uneasiness, wishes to hear from England that the peace is near concluded, but hopes, if it be delayed, we shall have the good fortune to force the French to comply with the queen's demands.

But his grace was now soon put out of his pain by the ordar, mentioned before, of May the 10th, O. S. not to engage in any siege, or hazard a battle.

On the 25th of May, N. S. The duke of Ormond writes two letters to Mr. St John, a private letter and a public letter. In the first, which was his private letter, and all wrote in his own hand, "his grace acknowledges the receipt of his orders, not to engage in siege or battle; to which he promises an exact obedience, and to keep secret his having received any such command, and will endeavour to hinder its being suspected. But prince Eugene and the States having proposed to attack the enemy, or, if that be found too hazardous, to besiege Quesnoy, his grace fears it will be very difficult for him to disguise the true reason of his opposing all proposals that shall be made for undertaking any thing, having no excuse for delays, all the troops we expected, and the heavy cannon, being to be here on Saturday:" And he says if he could have found forage here, he would have made some pretence to delay the march, though the dispositions of it were made before he received this letter.

But on the same day his grace writes another public letter to Mr. St. John, after he had received the letter of the 10th, as is expressly said; wherein he takes no notice of his orders not to engage in siege or battle, but speaks of his having reviewed the English troops, and found them in so good a condition, that must convince all those who have groundless complaints are that have been made of our backwardness, of which he says, I believe you will now hear no more." He goes on, "if we find an opportunity to bring the enemy to a battle, we shall not decline it."

On the 28th of May, the duke of Ormond, in his letter to Mr St John, says, "Yesterday prince Eugene and the States deputies desired that I would consent to send the quarter masters to view the French camp; which I could not refuse, without giving them some suspicion of what I am ordered to disguise; but I was sure that nothing of action could happen, the enemy being behind the Schelde. The detachment that went with them were forty squadrons, and all the grenadiers of my army to support them and make good their retreat, should the enemy have endeavoured for to have attacked them They went as far (I mean the horse) as Catelet, where the right of the enemy's army lies, and are come back without seeing any of the French on our side the Schelde

"The distance between the head of the Somme and that of the Schelde is not above a league and a half, which is a plain; and the enemy have not yet offered to throw up any retrenchment: may be to-morrow they will begin to work, since they have seen our troops reconnoitring that way." Prince Eugene and the deputies being to dine with his grace the next day, he was under apprehensions they would press him to undertake something immediately, which it would be very hard to conceal the true reason of his refusing, having no reasonable excuse for it.

In this letter his grace gives an account of a letter that he had received from Mareschal Villars, and the answer that his grace wrote to the Mareschal.

This Correspondence, which on both sides is insisted upon to be kept as the most absolute secret, is founded upon a postcript in Mr. St. John's letter of May the 10th to the duke of Ormond; wherein he tells his grace "Communication is given of this order to the court of France; so that if Mareschal Villars takes any private-way notice of it to you, your grace will answer accordingly."

May the 25th, N. S. Mareschal Villars acquaints his grace, "That he had the king's orders, and the queen of England's consent, to write to him as soon as he received the courier; and whatever glory is to be acquired against a general whose valour is so well known among them, he desires them to be assured that he never received more agreeable news than that they were to be no longer enemies."

The duke of Ormond in answer acquaints him, That he had received orders from the queen upon the same subject, to which he would not fail to conform himself in the most exact manner.

This is conformable to the intimation given by Mr. St John, That if Mareschal Villars takes any private-way notice of his orders, his grace was to answer accordingly.

But his grace proceeds further, and says, "The motion which we are going to make is principally for the subsistence of our troops, so that you need not be under any apprehension at this March; at least I can answer for the queen's army, which I have the honour to command."

Your Committee is at a loss to account for this transaction, unless his grace had orders not only to act against France, but to give the French general intelligence of all that was designed in the confederate army.

The report being made by the quarter masters general, who went with the detachment to view the French camp, and the overture between the sources of the Somme and Scholde, and they all agreeing that the ground was as advantageous as could be, their situation being such as gave an opportunity of falling upon their flank and rear, it was proposed to the duke of Ormond to march without the least delay to the enemy, and to attack them.

What his grace did upon this occasion is best to be learnt from his own words, in his letter of May the 29th to Mr. St. John. "You may easily imagine the difficulty that I was under to excuse the delaying a matter, which according to the informations I had from the quarter masters general, and several other general officers that went out with the detachment, seemed to be so practicable. The best excuse I could make was lord Strafford's sudden voyage to England, which gave me reason to believe there must be something of consequence transacting, which a delay of four or six days would bring to light; and therefore I desired they would defer this undertaking, or any other, until I should receive fresh letters from England."

Your Committee cannot better represent the favourable opportunity that was here lost to the common cause, and the advantage, or rather deliverance, that was secured to the common enemy, than in a letter from the deputies of the States to the duke of Ormond, June the 4th, N. S. No. 26.

These Representations, and the pressing instances made by Prince Eugene, are entertained by Mr. St. John as affected alarms and clamours raised with much industry, but such as gave her majesty no uneasiness whatsoever.

But they began to make some impressions upon the duke of Ormand; he grew sensible of the ill blood and dissatisfaction caused among the allies by the measures he was obliged to take, who did not stick to say we were betraying them. He sends an account that Prince Eugene and the States deputies had resolved to besiege Quesnoy, which place was that day, June the 8th, N. S. 1712, invested; and though he had nothing to do in the operation, he could not refuse furnishing some troops in the States pay, but had avoided giving any in the queen's whole pay.

We are now come again to the 7th of June O. S. when Mr. St. John sent to the duke of Ormond his letters of the 6th and 7th to Mr. de Torcy, and the last articles proposed by Great Britain for a suspension of arms, and it is to be observed, that hitherto it was an entire secret between the English and French courts, and their two generals, that neither siege or battle was to be engaged in by the duke of Ormond. Prince Eugene and the whole confederacy were as yet amused with hopes that the duke of Ormond might be permitted in some degree to comply with his instructions, and the solemn and repeated assurances that had been given, to act in conjunction with the rest of the allies: but the time was now come, when the secretary's care and prudence was to deliver the French king from the apprehensions, under which M. de Torcy had so often declared him to be for the events of this campaign; and although the suspension of arms was pressed and insisted upon by France, and was to be granted purely for the sake and preservation of the French army, which in all reason should have brought them to a compliance with the demands sent from England; yet so very tractable did our ministry prove, that France's refusing the conditions at first proposed for granting a suspension of arms, had no other effect but to make us lower the terms upon which they were to accept what could be no advantage to England, but was of the highest importance to France.

When these last conditions were sent to the duke of Ormond, with the orders that attended them, it is to be observed, that Mr. St. John declared the queen insisted on the execution of the article relating to Spain, and on the delivery of Dunkirk, as points without which she would not declare for a cessation of arms: so that if these conditions were not absolutely consented to, if the answer from France, which was to determine the duke of Ormond's measures, was not signed by M. de Torcy, and Dunkirk was not put into possession of the duke of Ormond, his grace was at entire liberty to act against France; but upon these conditions the duke of Ormond was ordered immediately to declare a cessation of arms.

The Committee cannot but think this order in itself of a very extraordinary nature, although conditional; and the ministry seem in very great haste to give all up into the hands of France, when the queen's general, at the head of a confederate army in the field, at that time covering a siege, which the allies were engaged in, should be ordered to govern himself according to such significations as should come from the court of France, and those transmitted him by the general commanding the enemy's army, whose duty it was by force or stratagem to raise the siege, or gain any advantage he could over the allies.

On the 22d of June, N. S. an Answer to the Proposals last sent over was transmitted to Mr. St John, signed by M. de Torcy, with two alterations, one no less material, than whereas it was demanded that the renunciation should be ratified in the most solemn manner by the Duke of Fronsac which had been mentioned

before as one of the chief securities to make it as effectual as any thing could, it is here substituted, that it shall be registered in the several parliaments: and to the article of Dunkirk, is added, That all the king's officers, both land and sea officers, shall have liberty to stay at Dunkirk, and to execute their several offices. And on the same day, M. de Torcy writes two letters to Mr. St John, the one a public letter explaining at large the alterations; the other a private letter, to prevail with him to consent to these alterations. And it may be here observed, that there are several instances of such a private correspondence carried on between the two secretaries.

At the same time, a copy of the Memorial and the Answer was sent to the Mareschal Villars, who with his Letter of the 24th of June, N. S. sends the copies to the duke of Ormond, and tells him the originals were sent to England; and doubts but but the suspension of arms would immediately take effect.

But it appears by the duke of Ormond's letter to Mareschal Villars, of the 25th of June, That these were only copies and not signed, for his grace says, "It were to be wished that M. de Torcy had given himself the trouble to sign them, as being more agreeable to his grace's instructions; but that he may not stop so good a work, by difficulties and scruples, he will not insist upon formality: he promises to go immediately to prince Eugene and the States deputies, to persuade them to abandon the enterprize upon Quesnoy, and to declare, 'That in case of a refusal, he shall be obliged to withdraw the queen's army, and as soon as the troops, which he should demand for that purpose, had taken possession of Dunkirk, the suspension of arms shall take place."

On the 27th of June, the duke of Ormond gives Mr. St John an account, That he had been with Prince Eugene, and the States deputies, and had acquainted them, that the French king having agreed to several articles demanded by the queen, as the foundation of a cessation of arms, he could no longer cover the siege of Quesnoy; but was obliged by his instructions to march with the queen's troops, and those in her majesty's pay, and to declare a cessation of arms as soon as the town of Dunkirk was delivered up.

The duke of Ormond having had this conference with prince Eugene, and the States deputies, according to his promise, sends a second letter to Mareschal Villars of the same date, and tells him, he apprehends that the generals of the auxiliaries paid by the queen, will not leave Prince Eugene's army without particular orders from their respective masters.

An account of this being sent to the court of France, M. de Torcy dispatches an express, June the 27th, N. S. and declares if the foreign troops in English pay did not abandon prince Eugene's army, the condition upon which Dunkirk was to be delivered being not performed, it would be surrendered for England to insist that Dunkirk should be given into their hands; and appeals to the title of the memorial, that imported a cessation of arms between the two armies in the Netherlands: he insists, that positive orders be sent to the duke of Ormond, to withdraw all the troops in English pay; and when these orders shall have been punctually complied with, the king will perform his promise of delivering Dunkirk.

The duke of Ormond having already declared absolutely to the allies, that he could no longer cover the siege of Quesnoy, remains in a state of inaction, though it is plain by his orders he was now free from all restraint, the answer not being signed by M. de Torcy, as was expressly required, some material alterations being made in the conditions relating to Spain, which his grace had then no notice that the queen consented to, and Mareschal Villars refusing to give him the possession of Dunkirk, which were declared points without which the queen would not consent to a cessation of arms.

And that the duke of Ormond was himself of this opinion, is evident from his own letter to Mr. St John of June the 29th, N. S. wherein he excuses his deferring separating the troops and marching towards Dunkirk, until he had sufficient assurance that place would be surrendered to him: and then his grace says, "The contrary appears now so evidently, that I should look upon myself immediately at liberty to act in conjunction with the allies: but I do not take upon me to make a step of such consequence without the queen's particular orders, which I shall expect with the greatest impatience."

These unexpected resolutions of the foreigners in the queen's pay not to abandon their allies, and leave them at the mercy of the French army, very much disconcerted our measures here for a short time; but on June the 20th, O. S. (No. 27,) Mr. St. John writes to M. de Torcy, "That the accounts from the duke of Ormond were conformable to what he had sent, which gave the queen a sensible displeasure; but as her majesty had taken a firm and unalterable resolution not to yield to any difficulties, he doubts not to succeed, and believes M. de Torcy will be convinced of this truth when he has read over this letter: That he had just then told the ministers of those princes who have troops in the queen's pay, that unless they obey the duke of Ormond's orders, her majesty will take it as a declaration against her, and from that time they shall not be paid: That if the French king will deliver Dunkirk, the duke of Ormond shall retire with the English troops, and all those foreigners that will obey him, and declare the queen will act no longer against France, nor pay those that will, and will make no difficulty to conclude immediately a separate peace with France, leaving the allies a time wherein they may have liberty to submit to such conditions as shall be agreed upon betwixt the queen and the most Christian king. See, sir, the peace in the King's hands: if the duke of Ormond's whole army consents to

the suspension of arms, our first project proceeds; if they will not consent, the English troops will withdraw, and leave the foreigners to seek for their subsistence from the States, who, very far from being able to furnish new expences, are not capable to support what they have already upon their hands. In short, Britain retiring from the theatre of the war, and leaving it to those that are in no condition to make head against France, the peace may be concluded between the two crowns in a few weeks. These, sir, are the propositions which the queen commands me to make, and believes the king of France will find his account at least as much the last way as the first. He once more desires him to send an express to the duke of Ormond, that he may know how to regulate his conduct; and if he signifies to him that the king has given orders to the governor of Dunkirk to admit the English, his grace will immediately do all that he has said. He acquaints him further, That the queen was resolved to send the earl of Strafford immediately to the army.

On the same day Mr St. John sends a copy of this letter to the duke of Ormond, and to shew his own opinion of this extraordinary piece, in a postscript, he says, "I need not caution your grace that the inclosed for M. de Torcy is fit to fall under the eye of no person whatsoever but your grace."

As for his Instructions at this critical conjuncture, they are such as her majesty thought deserved sending the earl of Strafford on purpose to the army, and his grace is ordered to give Mareschal Villars an account of the endeavours the queen had used to subdue the obstinacy of those who refused to obey, and of his expectations to hear from him on an express sent to France; and a second time, according to what was said to M de Torcy, his grace is ordered, if he receives an account from the court of France that her majesty's last proposals are agreed to, and orders dispatched for the surrender of Dunkirk, without any more to do, to declare the suspension between Great Britain and France, and to keep the whole body that shall obey his orders intire, and to withdraw in the best manner his circumstances will allow.

This offer was no sooner received in France, but, without the loss of one moment's time accepted and consented to, as M. de Torcy acquaints Mr. St. John, July 5th, N. S. He takes care to mention very particularly all the reasons and engagements which had been so plainly and explicitly proposed; and upon condition that the queen does immediately make a separate peace, keep no measures with her allies, but only leave them a time to submit to the conditions that shall be agreed upon for them between France and England, the king of France hath determined to send his orders to permit the English troops to enter into Dunkirk; and at the same time a courier was dispatched to Mareschal Villars to carry him these orders. And as a general cessation from all hostilities, both by land and sea, between the two nations, had been proposed by England till their treaties could be finished, the king of France with the same readiness agrees to that.

This account was no sooner received in England, but fresh orders are sent to the duke of Ormond, as soon as he shall hear that the governor had received orders to evacuate Dunkirk, and to admit the queen's troops into the place, without losing a moment, if he had not already done it, to declare a suspension of arms; and to withdraw all the English troops, and such others as would obey his orders: and lest any accident might still obstruct this project, his grace by Mr St. John is told, he must observe that the order is positive, and that no case can possibly happen in which her majesty will allow that any other measure should be taken; and Mr. St. John is much concerned that the earl of Strafford will arrive at the army later than was to be wished, from whom his grace was to receive those lights and informations for his guidance in this nice conjuncture, that he is amply instructed to give him.

On the 12th July, N. S. Lord Strafford arrives in the camp; on the 14th, Prince Eugene sends the duke of Ormond word by an Aid de Camp, That he intended to march the next morning, with a design, as was supposed, to attack Landrecy. The duke of Ormond is much surprised at the message, refuses to march with him, or to give him any assistance from the queen's troops, but lets the prince know, that when he marched, his grace should be obliged to take the best care he could for the security of the queen's troops, and to change his camp in order to it.

On the same day Mareschal Villars, giving the duke of Ormond an account that he had sent by colonel Lloyd orders for the delivery of Dunkirk, says, "Permit me sir, to have the honour to tell you, though it be very advantageous not to be obliged to engage the bravest and boldest of our enemies, yet it is very important to know those that remain so; and I take the liberty to desire you will do me the honour to send me word what troops and what generals will obey your orders, because the first attempt the enemy makes, I will not lose one moment to meet them. The king gives me a liberty to fight, which nothing but the negotiation has hitherto prevented, and which the army under my command has a great desire to make use of. I think tha work is finished, if the army which is under your orders obeys them. This, then, sir, is no indiscreet curiosity, that I presume to desire you to give me some lights upon the doubts which I am in. I shall be very much obliged to you, sir, if by the return of this trumpet you will honour me with one word of answer, upon the lights which I have desired of you. You will give me leave to join to this packquet a letter from my lord Strafford." On the 15th of July, the duke of Ormand, in answer to this letter, says, "I should be glad I were at present in a capacity to give you all the lights you desire, but it is

yet impossible for me. Notwithstanding I was unwilling to delay sending back the trumpet, to let you know I am well assured I shall be capable of telling you to-morrow, particularly what troops will remain under my command As to the suspension of arms, you already know, sir, that according to my orders I cannot declare it in form, till I am assured the governor of Dunkirk shall have executed all the king's orders, for the evacuation of the place." His grace adds, "In the mean time you will agree with me, sir, that the said suspension has already its effect on my side, since I have just now informed prince Eugena and the States deputies, that in case they should undertake any new operation, I could not give them any assistance with the queen's army."

On the 16th, the duke of Ormond writes again to Mareschal Villars, and says, "Your trumpet just now put into my hands the honour of your letter of the 15th, and I am now to acquit myself of the promise I made you yesterday Prince Eugene is marched this morning, and all the Foreign troops have quitted us, except one battalion and four squadrons of Holstein, and two squadrons of Wolef." He adds, "Things having passed as I have the honour to tell you, I thought myself obliged to acquaint you of it as soon as possible, and as I observed to you yesterday, the suspension of arms has already its effect on my part, by the separation I have made of the queen's troops, and all her artillery, from those of prince Eugene; and by my declaring to him, I could give him no assistance, and that the payment of the foreign troops is stopped; and that by consequence there is fallen upon the emperor and Holland a burthen they will not be long able to support: I trust, sir, to your good faith, and shall to-morrow make a movement to put myself into another situation, and I hope I shall have news from Dunkirk, that will authorize me to declare the suspension of arms.

On the same day Mareschal Villars acquaints the duke of Ormund, that the governor of Dunkirk was making the necessary preparations to evacuate that place; he tells his grace, "For my part, sir, as I already reckon you for our ally, I am not at all in haste to have you further off; you are at your own liberty to come near us, and encamp on the king's territories, wherever you shall think proper." Upon this the duke of Ormond the day after ordered a cessation of arms to be proclaimed by sound of trumpet.

Had the first design taken effect, which was depended upon by France, and so far presumed by England as to be undertaken for, that all the foreigners in the queen's pay, that composed the duke of Ormond's army, should separate and withdraw from the rest of the allies, it is notorious, that from that instant prince Eugena's whole army, unless they submitted to the same measures, had been left at the mercy of the French army to be cut in pieces, or made prisoners at the will of Mareschal Villars, which had left the queen's troops in no better a condition, than to have the privilege of being last destroyed; yet all the allies, whose honour and conscience would not permit them to abandon their confederates, and leave them as a sacrifice to France, were punished by England, with the loss of their pay and subsidies, which was all that was in the power of the ministry to do, to shew their resentment at the great disappointment to the measures of France.

This march of prince Eugena lord Strafford thought might be turned upon them; and he prevailed with the duke of Ormond, in a message to prince Eugene, to say, "His marching without concert with us, and all the queen's auxiliaries marching from us, exposed us so, that we have been obliged to send to the French to declare with us a cessation of arms; nothing less could put the queen's troops in safety, for though matters fell out so pat, without this we must have declared for the cessation, yet why should we not turn all this matter upon them?"

The Committee had not thought it worth their while to take notice of such an idle attempt to impose upon the senses of mankind, if they had not been induced, by another passage in the same letter, to think it deserved some observation; where lord Strafford, giving an account of what passed upon the separation, says, all the English seem rejoiced to march off, being weary of the situation they were in, and the reproaches they met with to the great army; There are two or three faces very sour; they sigh and wish the Hanoverians had not separated from us, but I shall tell them, perhaps, it may be better. He may see by this time the wrong advice he has followed, since all must lay the blame of the separation upon him. But this is not the only instance of the scorn and contempt which his lordship was ready to express upon the like occasions; for July the 16th, 1712, giving an account of a conversation with M. Bealau, the elector of Hanover's general, wherein his lordship declared, that the queen had yet neither made peace nor truce, which declaration was made near a month after the articles for a suspension of arms were signed; and his lordship representing the great danger the queen's troops were exposed to, by being left alone in their camp, when prince Eugena marched; and M. Bealau replying, in case of any attack they had been sure of their assistance and protection, his lordship says, "My answer was in a disdainful way, It would be a very odd thing, when an elector of the empire should be sufficient protection to Great Britain: and December the 14th, 1712, lord Strafford in his letter to Mr. St. John, says, count Zinzendorf owned, it was impossible to carry on the war alone, especially since the elector of Hanover, who was the greatest hero for the war, has threatened the States to recall his troops, if they did not pay him the queen's share of the subsidies;—In short, count Zinzendorf himself could not but laugh at the ridiculous way of proceeding of that court.

The armies being now separated, and the suspension of arms declared, your Committee think it necessary to recapitulate, in what manner, and by what steps, this fatal cessation was procured

That it was infinite advantage and absolutely necessary to the affairs of France, and therefore insisted on by France, is very evident, and it is as certain, that the English ministry gave early into it, if they were not the first advisers of it: for which no other account need be required, but that as all their measures tended to advance the interest of the queen's enemies, they could not fail to be zealous in a point which contributed more to those views than any one occurrences during the whole negotiation; but as they all along wanted appearances, and consulted them more than any real advantages to the kingdom, they thought it necessary to annex some conditions to this important article, that might pass upon the deluded people as a justification of this unprecedented treachery.

The Demolition of Dunkirk was always so popular a point, that nothing could strike the imaginations of the people more, than to be told that this important place was delivered into the queen's possession: This step, they thought, well improved, would recommend the peace itself, at least justify the cessation. And as the nation had nothing more at heart, than the disposition of the Spanish monarchy after the renunciation had been industriously cried up, and the queen had declared from the throne, that France and Spain were thereby more effectually divided than ever, these two articles were made the essential conditions of granting a cessation of arms: For the latter, France easily consented to it, having declared it to be null and void by the fundamental laws of France. For the first it is evident how unwillingly France was brought to surrender Dunkirk, but this the ministry were resolved to purchase at any rate, as what would most easily amuse, and sensibly affect, the nation, and therefore to obtain this, they engaged not only to grant a cessation of arms, but to conclude a separate peace.

The prospect of concluding a separate peace, and the obtaining immediately a cessation of arms, which answered all the purposes of France, almost as well as a separate peace, by leaving the whole confederacy in their power, and at their mercy, were so great temptations, to France, that the surrender of Dunkirk is agreed to; but, if we come to consider what England gained by granting this fatal cessation, we shall find the demolition of Dunkirk supplied by a new canal more beneficial to France, and formidable to the navigation of Great Britain, than Dunkirk ever was; and for the renouncintion, we were told by France, we should deceive ourselves if we accepted it as an expedient to prevent the union of the two monarchies.

Your Committee cannot close their Observations upon this memorable campaign of 1712, without inserting another letter that was wrote by the duke of Ormond to my lord Bolinbroke. The Dutch it seems, encouraged by the success of their enterprize upon fort Knocque, had formed a design for surprising Newport or Furnes, which his grace having intelligence of thought proper to write the following letter, October the 21st, 1712, to my lord Bolinbroke,

"I take this opportunity of an express which brought me some letters this morning from Ostend, and is returning thither, to acquaint your lordship with an affair which has been communicated to me by a person who is very well inclined to her majesty's service; your lordship will best judge of the importance of it, and the use that is to be made of it, when I tell you, that the success of the enterprize upon Knocque, has encouraged the forming a project for surprising Nieuport or Furnes, and that the fortifying Dixmude, is made use of as a pretence for drawing together a body of troops sufficient to put the design in execution; if it be thought more for her majesty's service to prevent it, I am humbly of opinion some means should be found to give advice of it to the marshal Villars, who may possibly think we owe him that good office, in requital of some informations your lordship know she has given me, with a design to serve her majesty and the nation: I am not yet at liberty to acquaint your lordship with the name of my author, who desires the whole matter may be managed with the greatest secrecy, which is a caution I know I need only mention to your lordship.

The great step of the cessation was no sooner taken, the suspension declared, and Dunkirk delivered up, but M de Torcy calls upon Mr. St. John, to perform his promise of concluding a peace between France and Great Britain in a few weeks, which he thinks can meet with no difficulties, all the conditions of peace with England being regulated, and the intentions of the king, touching the general peace, known to, and he thinks he may say approved by, her Britannic majesty M de Torcy then proposes the method of regulating the suspension by sea, and insists, that during the suspension, either general or particular, the transportation of neither troops, ammunition, nor provisions, shall be allowed into Portugal, Catalonia, or any other place where the war continues. Packet boats between Dover and Calais are to be immediately settled for the general ease of correspondence; and the suspension of arms to be published in Portugal and Catalonia, without waiting till it shall be settled at Utrecht.

All these proposals from France are very readily assented to; and Mr. St. John thinks the queen in a condition not to lose a moment's time in concluding with the ministers of France, the convention for a general suspension of arms, both by sea and land, and even the treaty of peace between Great Britain and France.

Mr. St. John then opens to him the measures that had been concerned for the

duke of Savoy; "Of all the allies," says he, "there is none whose interest the queen has so much at heart, as the duke of Savoy's; He hopes the most christian king will act in concert with her majesty, and omit nothing that may engage his royal highness to come into all our measures, and that may protect him from the insults of the imperialists for so doing; and among other advantages proposed for him, he lays it down as a principle, that it is neither for the interest of Great Britain nor France, that the kingdom of Sicily should be given to the house of Austria, and therefore demands it for the duke of Savoy, and declares the queen will not desist from this demand."

This concern of the British ministers for the duke of Savoy, who is represented as the ally whose interest the queen hath most at heart, your Committee is at a loss to account for. The French, as appears by a letter of the bishop of Bristol, to Mr. St. John, of the 26th April 1712, had actually offered Sicily to the emperor. The duke of Savoy himself did not relish this proposition, as appears by lord Peterborough's letter to Mr. St. John of the 24th Sept. 1712, in which his lordship represents the duke of Savoy, expressing, that he was not so vainly impatient of the title of king, as to lose or hazard any real interest for an empty name: but that he thought it much more extraordinary, that a prince beaten ten years together by his enemies, should remain at last with the prize so contended for, and which so often by parliament had been declared the just and unavoidable motive of the war: Again in lord Peterborough's letter of Nov. 16th, 1712, to Mr. St. John, he affirmed, that nothing can represent the uneasiness of mind of the duke of Savoy, after these offers had been made him; To calm this uneasiness, and to fix his royal highness in the measures of the ministry, it was necessary that lord Peterborough should, in a memorial given to him, represent, that his royal highness in refusing these offers must fall out with the queen, and the English ministers, whom his lordship endeavours to excuse from the reproaches cast directly upon them, as if they were persons devoted to France. That for the support of what was proposed, a sufficient fleet should be furnished either by England or France, or by both powers jointly; and that his royal highness should be guaranteed and protected against any power that should oppose this project, or should insult him for having accepted these offers. The arguments of the English ministers did at length prevail with his royal highness; and if the view of the said ministers was effectually to disable the emperor from supporting himself against France after our separation, by forcing into the interest of France an ally so considerable as the duke of Savoy, it must be confessed these measures were extremely well calculated for such an end; but it does not appear to your Committee how England came to be so far concerned in this matter as to offer its guarantee for Sicily, which naturally must have engaged us in a war against the emperor. This forwardness of the ministry in offering to make England guarantee for conditions advantageous only to France, seems the more extraordinary, when they observe, that, during the whole course of this negotiation, they find no endeavours used to procure a guarantee of our confederates to secure the protestant succession, which had been addressed for by both Houses of Parliament; nor do they observe, that the king of Sicily, for whom so much was done, was ever requested to be guarantee for the said succession.

The dreadful consequences of the separation of the armies were now sensibly felt in the unfortunate action at Denain, where Mareschal Villars on the 24th of July, N. S. attacked lord Albemarle's camp, which he forced, took him prisoner, and entirely defeated all the troops under his command, M. de Torcy immediately sends an account to Mr. St. John of this agreeable news, and says, "The king of France is persuaded, that the advantage, which his troops have obtained, will give the queen so much the more pleasure, as it may be a new motive to overcome the obstinacy of the enemies to peace."

Your Committee could not with patience read a letter from a minister of France, declaring to the secretary of state of England, that a victory obtained by the queen's enemies over her good allies, must be a pleasure or satisfaction to her majesty. But at that time the French thought themselves so sure of the British ministry, that they depend upon their assistance to push this advantage against the confederates still further; and M. de Torcy says, he hopes the queen will effectually bring them to reason, in agreeing immediately with the king, the last measures that are to be taken for finishing this work. She has the means in her own hands, if she will make use of Ghent and Bruges, which her troops possess, and especially of Ghent; for it depends upon whosoever is master of that place, to make all the designs of the enemy's generals miscarry, and to give law to the Dutch.

Neither was M. de Torcy singular in his opinion about the action at Denain; Mareschal Villars would not lose a moment in giving the duke of Ormond an account of this news: he ascribes the victory to the separation of the brave English, and insults the allies as common enemies, that must now be sensible what wrong measures they had taken; in this manner, and to this effect, Mareschal Villars thinks proper to write to the duke of Ormond; and at the same time the Mareschal desires his grace to transmit this account to the French plenipotentiaries at Utrecht, and to make a thousand compliments from him to lord Strafford.

And that there might be no part of the world where it was in the power of the English ministry to assist their new friends the French, at the expence of their old allies, M. de Torcy further proposes, that the queen should put a stop to count Starenberg's projects to Catalonia,

by sending orders to her troops in Terragona, not to let the Germans into that place; and not content with being aided and assisted all that was possible by land, he further desires that express orders might be sent (and through France as the shortest way) to the English men of war that were then cruising in the Mediterranean, to suffer the French ships, that were then returning from the Levant, to pass unmolested; which was no sooner asked than complied with.

But the taking possession of Ghent and Bruges was not only the desire of M de Torcy, but was supported by the advice of the earl of Strafford; who in his letter to Mr St. John of the 17th of July, 1712, says, "I am for having the duke of Ormond send some party on purpose to march through some of their towns, to see whether or no they would refuse them passage; if they did, that might authorize us the more to do a thing very agreeable to the queen's troops, and what I believe you would approve of." His lordship adds, "He (meaning the duke of Ormond) is very hearty in every thing, but really is under difficulties with those about him; those that are able are not yet entirely to be relied upon; and those that might be trusted, are not capable of giving advice."

And that there might be no doubt of his lordship's meaning in what he had before advised, July the 21st, he tells Mr. St. John, "The measures I mentioned would not be disagreeable to you, was that of marching to Ghent, which we have now so well executed that we are within two days march of it, and the English are entire masters of the citadel, as likewise of all the gates of the town; and have orders to be upon their guard, not to let themselves be surprised by two battalions, one of Dutch and one of Walloons in the town, nor any troops sent from any other place. This is a *coup de partz* for the States who did not expect it, else they would not have behaved themselves with the haughty they lately did; the thing was so well and secretly managed, that all preparations were made to march about to Warneton between Lisle and Ipres, to have lived upon the French country and till we had marched a day's march on this side the Scarp, the Dutch and their friends did not perceive our design, which, as soon as they did, their surprise and uneasiness were equally great."

The duke of Ormond having given an account of his marching his army towards Ghent, and Bruges, lord Bolingbroke commends his conduct, and tells him the methods he had pursued were so well adapted to the present conjuncture of affairs, that they answer in every point what they would have wished. that the news of Dunkirk could not have been followed by any more agreeable, than that of his grace's having directed his march towards Ghent.

And on the 23d of July, O. S his lordship tells his grace, That taking possession of Ghent and Bruges had answered her majesty's views, which he is ordered to secure in the best manner he was able, and doubts not but it will have a good effect upon the conduct of the allies

On the 17th of July, O S. in a letter to M. de Torcy, lord Bolingbroke recapitulates what he said before concerning the duke of Savoy; and as a farther motive to induce France to comply with his demands, he represents that it will be very important to have his concurrence both in the suspension of arms, and the treaty of peace, which in all probability will be made between Britain, France, and Spain, without the intervention of the other allies; and that Savoy's declaring for us will be a decisive stroke, and the more necessary because the king of Prussia's conduct has not answered the queen's expectations.

Before this letter was dispatched, the lord Bolingbroke receives M de Torcy's of the 26th N S. In answer to which, July the 18th, O. S. he insists further in behalf of the duke of Savoy, "tells him with great satisfaction, That the duke of Ormond was possessed of Ghent and Bruges, and had orders to be upon his guard and secure those posts; and as the queen embraced with a great deal of satisfaction every opportunity that offered to do the king a pleasure, positive orders are sent to admiral Jennings to suffer the French ships coming from the Levant to pass freely."

It is almost incredible that the English ministry, however determined they were to give up the honour of the queen, and interest of their country, in following the dictates of France should venture to do it in this open manner. All that had been hitherto declared, was a suspension of arms in Flanders, and that our troops were to act no longer against France: but here by the advice of the earl of Strafford at the desire of M. de Torcy, they are to keep possession of Ghent and Bruges, in order to disappoint the designs of the enemies of France and the allies of the queen; and although the suspension of arms extended as yet no further than to the two armies in Flanders, and the general suspension by sea and land was not signed till the 19th of August, N. S. lord Bolingbroke, on the 18th of July, O S. declares he had then sent very positive orders to the queen's admiral not to intercept the French fleet coming from the Levant.

These constant complances in the English ministry encouraged M de Torcy to believe they would now stick at nothing that could be proposed. He presses again the concluding the separate peace between England and France as what they both agreed in to be the most effectual way to make the rest of the allies comply. He desires that the troops in Flanders under the command of the duke of Ormond, may be left there to make a good use of the towns which he was in possession of, but as the king of France could not consent to the duke of Savoy's having Sicily, except the elector of Bavaria has also the Netherlands besides his electorate, he thinks the queen having a

good army in Flanders under the command of the duke of Ormond, may render this very practicable; and as the queen has done a great deal for her own ungrateful allies, it will be for her glory now to contribute to the good of a prince of so much merit as the elector of Bavaria, whose acknowledgments will be equal to the benefits he shall receive.

But this would not pass even upon the ministry of Great Britain: the giving Flanders to the elector of Bavaria, was not only contrary to all the propositions of peace that had been made and passed between England and France, but was what would absolutely engage us in a new war to oblige the Imperialists and Dutch to agree to it; and they could not think it for the honour or interest of the queen to to make war upon her allies, as ungrateful as they had been, in favour of the elector of Bavaria; and especially considering, that although we could secure Ghent and Bruges for him, the allies had yet an army in Flanders so considerable both for the number and goodness of their troops, that they were able to defend the conquest they had made. And to give him Sicily, which was likewise demanded, lord Bolingbroke hopes it will not be insisted on, because it might be the occasion of continual jealousies; it might in particular be the source of disputes and quarrels betwixt England and France, whose strict union and indissoluble friendship were the points, in view to which all our measures had been directed for so long a time. The queen's ministers think when the king of France has made all reasonable efforts for his allies, he must do something for the love of peace, and that a particular interest should yield to the general. "You cannot," says my lord Bolingbroke, "but feel the force of this argument, because you are not at all ignorant that this negociation was begun and carried on, upon a supposition, that the queen must desist from many conditions, which in rigour she was obliged to procure for her allies." He very strongly urges the necessity of concluding immediately the peace between England, France, and Spain; but absolutely insists upon Sicily for the duke of Savoy.

But although this negociation was carried on upon a supposition, that the queen was to depart from several things, which in justice ought to have been procured for her allies, the king of France thought himself under no such obligation; his honour to an ally, whose fidelity was without reproach, was not to be dispensed with; and therefore to satisfy his engagements to so good an ally, was a point from which the king of France would never depart. But to shew the king's good dispositions to the peace, he at last consents to the duke of Savoy's having Sicily upon certain conditions; wherein very ample provision is made for satisfaction to the elector of Bavaria; and one express condition is, that a peace be concluded between England, France, Spain, and Savoy.

In answer to this letter, lord Bolingbroke acquaints M. de Torcy, that he had received the queen's orders to go immediately to France, and he hoped, under the auspices of the abbot Gautier, in a weeks time to salute him at Fontainbleau.

Whilst these great points were transacting, and carrying on directly betwixt France and England, it is not to be supposed, that any thing very material passed at Utrecht, some few passages only concerning such communications as were thought necessary to be made to keep up the form of a negociation, may not be improperly taken notice of.

The advice of the duke of Ormond's orders to engage in neither siege or battle, gave great alarm; the States desire the British ministers to give them some satisfaction concerning a matter, wherein they thought religion, liberty, and all that is valuable, was so nearly concerned: to which they could obtain nothing but very general answers. Upon which they expressing their discontent to be kept intirely in the dark, without the least knowledge of what was done, or intended to be done, the bishop took that opportunity to put an end to their curiosity, by executing the orders before mentioned, that the queen thought herself now under no obligations whatsoever to the States.

This declaration is grounded upon the behaviour of the States, but it must be remembered, that this order is dated very few days after the orders to the duke of Ormond not to engage in siege or battle. And in the same letter the bishop of Bristol, giving an account of a conference between his lordship and Mr Consbruck, the emperor's minister, the bishop says, he was very desirous to know, and I was as unable to inform him, of the particulars wherein the care of the emperor's interest did consist

The Dutch did likewise send an express to their minister at London, with a long and most moving letter to the queen, to remonstrate against this proceeding. (No. 36:) but he could obtain no answer at all; Mr. St. John thought, the queen intending that week to lay before the parliament the plan of the peace, the proceedings of the two Houses on that occasion would be a more sensonable, as well as a more decisive answer to the States, than any he could return.

The queen having communicated to the parliament how far the French are already come, in their proposals for settling a general peace, the bishop of Bristol is directed to discourse with the ministers of the several allies, as soon as possible, agreeable to the plan contained in her majesty's speech; but before his lordship makes this step, Mr. St. John tells him, it will be proper that he speaks first with the French plenipotentiaries upon this subject, and inquire of them whether they will be willing, and in what manner they will be willing to give this communication to the allies: but the bishop of Bristol gives an account on the 28th of June N. S that the French plenipotentiaries declared they had no such orders, and without them they could not do it; and the bishop finds

ing it might be of some service, and that it was looked upon at the Hague as a step that might facilitate the suspension of hostilities, his lordship did again press the French ministers to know, whether they were willing to declare in a solemn conference, that the particulars declared in the queen's speech are the king their master's offers to the allies, and that he will make them good in the negociation. The French again refused to make any such declaration; and in this opinion they persisted even after the Dutch ministers consented to accept the contents of her majesty's speech *pro materiâ tractandâ*, if the French would at the same time acknowledge them to be their master's offers, and negociate upon them in order to make them good. But the French plenipotentiaries were so far from agreeing to this, that they demanded of our ministers to know the queen's mind upon the several parts of the last general plan brought over by M. Gaultier, and which are not explained in her majesty's speech; saying their king expected it: and they do not know how to proceed till those points be stated: and the utmost they were to be brought to, was, that it was not to be understood to exclude their master from making some demands for the elector of Bavaria, and that Lisle was to be restored over and above the two or three places excepted in the queen's speech. These passages are here mentioned as falling in, in point of time, but will be more properly considered afterwards.

At the same time that Mr. St. John communicated the queen's speech to the bishop of Bristol, he orders him to let the Dutch ministers know, that the queen thinks a suspension of arms, at least in the Netherlands, to be absolutely necessary. And here your Committee must observe, that these orders to propose to the States a suspension, are dated June 11th O. S. which was the very day the articles for a suspension were signed by M. de Torcy, and had been signed by lord Bolingbroke five days before.

In several letters that followed from the bishop of Bristol, he gives an account of the general dissatisfaction of all the allies, and the inexpressible consternation they were all in, that they represented our proceedings as the unavoidable ruin of Europe: religion, liberty, the faith of treaties, are urged to shew the enormity of our usage: his lordship does not know what he may expect from the unmeasurable rage of the people, nor where it will end; that the Dutch seem to be uneasy on no account so much, as that they cannot come to the knowledge of what is to be their lot: their concern is chiefly, that they cannot know the particulars of what is designed for them, especially what species are to be excepted out of the Tariff of 1664, and what towns out of the Barrier. On which occasion the bishop of Bristol did, as with the greatest truth, assure them, that he knew nothing either of the one, or the other.

But the reception that these representations met seems to your committee as unaccountable as any thing that happened: Mr. St. John, June 20th, O. S. says, "They are not surprised at the clamours and rage of the Dutch, which they foresaw and were prepared for: it is certain we run great hazards, but it is as certain their unaccountable folly is the occasion of it; he cannot imagine the bishop should be in any danger: his character is sacred in a double manner: and besides I have reason to think, that though they kick and flounce like wild beasts caught in a toil, yet the cords are too strong for them to break; they will soon tire with struggling, and when they are tired grow tame."

This is the treatment and language which the queen's secretary thinks fit to bestow upon her allies; Their desire to have some satisfaction in what most nearly concerned them is called an unaccountable folly, that had drawn all these mischiefs upon them; and if any resentment is shown, they are wild beasts; but the cords of the toils which England and France had caught them in, were too strong for them to break. But lord Strafford is not content with hard words only, he is glad that orders were given to stop the pay of the foreigners, of which they complain horribly, but it will make them humble and sharp: handling does better with these people, than the best words.

On the 24th of June, O. S. Mr. St. John writes a long letter to lord privy seal, and instructs him to lay the intire blame of all that has happened, upon the Dutch; and that the want of concert is only to be imputed to those who are at the head of affairs in Holland; however that her majesty is still ready, for their sakes, and for the sake of the common interest of Europe, to forget all that is past, and to join with them in the strictest terms of amity and confidence. This farce was still to be carried on in Holland, and these professions made in the name of the queen, when it is notorious, that four days before, on June the 20th, O. S. Mr. St. John had in the strongest terms promised in the queen's name to M. de Torcy, to conclude a separate peace with France on condition Dunkirk was delivered to the English; and that this offer of a separate peace made by England, arose from the French's refusing to deliver Dunkirk upon the conditions first agreed upon, although at the same time the queen's plenipotentiaries are directed in a most public manner to lay the blame of all our measures at the door of the States General.

But whatever measures were carrying on elsewhere, and although in all the letters that passed upon that subject between lord Bolingbroke and M. de Torcy, the concluding a separate peace is treated as a thing settled on both sides; the plenipotentiaries at Utrecht are ordered to proceed upon another foot; and in a letter from lord Bolingbroke of July the 16th, O. S. to the plenipotentiaries jointly, upon a supposition, that lord Strafford was then got back again to Utrecht, they are ordered to

lose no time in settling the convention for a suspension of arms between Great Britain and France, both by sea and land, and when that is brought to perfection, to call upon the allies to enter again upon the negociations on the foundation of the plan laid down in the queen's speech; and it is desired their lordships will appear solicitous in this matter, and affect to be the aggressors, and to press the allies to give in categorical answers. By this means the negociations were seemingly set on foot again; and whether the allies did or did not comply, our ministry were ready to make their use of it either way: if they did comply, the scandal of a separate peace would be avoided; if they did not, the blame was to be imputed to their obstinacy.

The treaty being left upon this foot at Utrecht with a possibility of being carried on or dropt, as should be found convenient; and the king of France having, as was before observed by M. de Torcy's letter of August the 4th, N. S. consented to the demands made by England on behalf of the duke of Savoy, but among others upon these two express conditions, than a suspension of arms both by sea and land be immediately granted, and that a separate peace between England, France, Spain, and Savoy, be forthwith concluded, it is thought proper and necessary, that lord Bolingbroke should go himself to France, finally to adjust and settle the great points in dispute.

His powers and instructions are hereunto annexed, No 35.

The substance of his instructions was in short to remove all difficulties and differences that might obstruct the general suspension of arms between England and France from taking place, or settling the treaty of peace in such a course, as may bring it to a happy and speedy conclusion. But to declare, that he does not imagine there will be any possibility to prevail with the queen to sign the peace with France and Spain, unless full satisfaction be given to his royal highness the duke of Savoy, and unless they can take him along with them in the doing thereof. He is therefore to take particular care to settle his barrier, and to procure Sicily for him; to settle the renunciation in such a manner, that there may be as little room left as possible for dispute or delay; that the elector of Bavaria may have Sardinia, and be restored to his dominions in the empire, except the Upper Palatinate and the first electorate; and when he has had satisfaction in these points, he is to proceed to speak to such articles as relate particularly to the interest of Great Britain, and endeavour to have such of them, as there may appear to be any doubt concerning, explained in the most advantageous manner. And then he is to do his best to discover upon the several parts of the general plan of peace, what the real ultimatum of France may be; and when the peace between England and France shall be signed, that it may be expedient to fix the allies a time to come in, wherein the queen will use her good offices, but will not be under any obligation to impose upon the allies the scheme offered by France, or to debar them from obtaining better terms for themselves.

By these instructions it appears, that lord Bolingbroke was impowered to conclude a separate peace with England, France, Spain, and Savoy, that at this time there was some doubt concerning several articles relating to the particular interests of Great Britain, which he was to endeavour to get explained; but no instruction, if his endeavours prove ineffectual in behalf of Great Britain, not to conclude the treaty, which in these very instructions is expressly provided for in favour of Savoy, and his lordship is ordered to do his best to discover the ultimatum of France, which hitherto it seems the ministry were ignorant of; but whether France condescended so far or not, as to let his lordship into the secret, our treaty was to be concluded; and the ministry seem to think, they had sufficiently discharged their duty, in declining to be engaged to impose what terms France should think proper upon the allies, those allies to whom the queen was bound, by the faith of treaties, and all the most solemn engagements and public declarations, to procure all just and reasonable satisfaction, according to their several alliances. But now it seems sufficient that we did not debar them from the liberty of endeavouring to obtain still better terms for themselves.

With these instructions lord Bolingbroke goes to France, and for his proceedings the Committee refer to his lordship's own account in his letter to the earl of Dartmouth, August 22nd, N. S. 1712, (No. 37.) and without entering at present into any further particulars, the convention for a general suspension of arms between Great Britain and France for four months were signed at Paris by lord Bolingbroke and M. de Torcy, August 22nd, N. S. 1712, as his lordship says, but dated August 19th, N. S. (No. 29.)

France was now become intire master of all future negociations, and did not fail to make use of the power that was put into their hands; an early instance will be seen of this in the affair of Tournay: But being now come back to Utrecht, it will be necessary to mention an incident that happened there, the dispute between count Rechteren and M. Messager; which is taken notice of only as a pretence that was made use of by the French, to keep the negociation in suspense as long as it served their purpose; and in this England concurred, as will appear afterwards.

On the 30th of August the British plenipotentiaries acquaint lord Bolingbroke, that, in some discourse with the ministers of the allies, they had carried matters so far as to tell them, that though her majesty will endeavour to promote their interest in a peace, and obtain for them the best terms that shall be possible; yet if those endeavours should not procure more than the contents of her majesty's speech, or even in some degree fall short of that plan, the fault will be intirely theirs, who have ran-

dered things difficult and uncertain, which otherwise would have been easy and practicable: And having thus far complied with their late orders to lay all the blame upon the allies, they further inform his lordship, that they had however obtained the consent of the ministers of the allies to come to a conference with those of France, in order to renew the negociations; the time to be fixed between the British and French plenipotentiaries; who, meeting to have some discourse previous to the general conferences, parted without coming to any conclusion.

The occasion of their difference, that prevented renewing the conferences, arose upon proposals made by the British ministers in relation to Tournay. Their lordships in their Letter of the 2d of September, N. S. to lord Bolingbroke state the case in this manner.

In her majesty's speech it is expressed, That the Dutch are to have the same barrier, as demanded in 1709, except two or three places at most.

The French ministers insist, that they must have Lisle as an equivalent for Dunkirk, and that the same is not to be understood as one of the three places mentioned in the speech, and consequently that they must, in all, have four of the places mentioned in the demands of 1709.

This to us appears to be altogether inconsistent with what her majesty has declared; and we accordingly think it contrary to our duty to bring on a conference, in which such an explication is to be made.

The French ministers on the other hand have shewed us their orders, which positively require them to insist upon the restitution of Tournay, as well as Lisle; and that they can by no means consent to the cession of Maubeuge or Condé.

The British ministers then pressed the French to speak at first in terms as general, as their proposal was conceived in; but the French thought it necessary to be particular and express in that point above all others, because they shall otherwise have tied themselves up, and given the Dutch an advantage.

The result of this debate was not to proceed to a conference till this point be determined; the French insisting, that their orders were so plain as neither to need or admit any explication, and the British ministers thinking the matter as plain on their side.

They hope their zeal for her majesty's honour will be graciously approved, and desire to be directed what farther they are to do in this matter, which they apprehend to be of a decisive consequence, because they find even those among the Dutch, who appear to be most cordially disposed to such a peace, as may re-establish a good harmony between her majesty and the states, as absolutely necessary for their mutual preservation, fully resolved, either to retain Tournay and leave Condé yielded to them, or to take one of these two courses, either to come into any terms that France offers, or to continue the war at all hazards, or

In the same letter our plenipotentiaries give an account, that the French ministers, by an order from their master, did insist, that the States General should in a public manner disavow count Rechteren for the affront done to M. Mesnager, and then remove him from the congress, and this satisfaction to precede any further negotiation.

The language which our plenipotentiaries had used to the allies is very much approved by lord Bolingbroke, who says, they had spoke the sentiments of the queen's heart in what they declared the 30th of August, N. S. and that if the allies did fall short of the plan laid down in the queen's speech, the fault was entirely their own. His lordship says, Sure it is, that this plan was nothing more than the ultimatum of what France would offer; but he wished that the imperial and Dutch policy had not rendered it the ultimatum of what France will grant. The same general reflection may be applied to the particular case mentioned in your lordship's last letter. France would have yielded Tournay, though much against the grain. If France has now any advantage, and refuses flatly to yield what she only begged to have restored, the fault is intirely theirs.

But the dispatch of the plenipotentiaries of the 2d of September, relating to Tournay, having not yet been considered by the lords of the council, his lordship could not give any positive instructions about it till the next opportunity, but in the mean time recommends to them two considerations; that the keeping of the Dutch in hopes of her majesty's good offices, will prevent them from taking any desperate resolution; and the French insisting to have count Rechteren disavowed before any further treaty, will put off for some time the decision of that great point.

Lord Strafford in the mean time, by his letters of the 13th and 16th of September, N. S. represented the States as mightily sunk with their misfortunes, and not knowing well what measures to take; but that they insisted upon Tournay, as so essential to their barrier, that they actually had none without it; and his lordship is so much of that opinion, that he wishes they might have Tournay, though they were forced to truck Ipres for it; that if he could positively assure them they should have Tournay, he believed they would submit to the plan of the queen's speech.

This opinion of his lordship's is not very easily to be reconciled to what he afterwards wrote to Mr. Prior, upon this subject, October the 4th, 1712. "If we had a mind to have Nick. Frog sign with us, we might; for he is ready to do it for Tournay; which, if we sign together, we cannot well refuse him: but I expect you will cut that matter short; and I long to hear from you."

But this affair of Tournay was not so soon settled here, although the difficulty does not seem to be, whether the French or Dutch were to have it, but in what manner it was to be procured for France, without a manifest con-

tradiction to what was said by the queen in her speech concerning the barrier.

Lord Bolingbroke, Sept. 10th, O. S. writes three letters upon this subject to M. de Torcy, to Mr. Prior, and to the plenipotentiaries, which being upon an affair of this nicety, are all annexed, (No. 32, 32, 31.)

In the letter to M. de Torcy, "Lord Bolingbroke desires him to remember the proposition which was often laid down by him when in France, and insisted upon as a fundamental in all their future proceedings upon the general peace; that the conduct of the queen, in regard to the interests of her allies, was in a great measure determined by their behaviour; that the violent measures, which they had taken to obstruct the peace, had put the queen in a condition to make her peace without waiting for their concurrence, to which case the queen would declare that she had signed the treaty with France and Spain, and would propose the plan brought over by Abbot Gaultier, and delivered the 29th of April, 1712, for the allies to treat upon, and could do no more than by her good offices, as a common friend to both parties. But in case the Dutch in particular, or the other allies, should, before the conclusion of her peace with France, enter into concert with her majesty, we should have more measures to keep with them; the compassion of our people would be moved in their behalf, and the queen's ministers be obliged to make some steps, which otherwise they would absolutely refuse to do Upon this foundation, says lord Bolingbroke, the king's ministers seem to expect something more, when they insist the queen's ministers should propose the holding a conference, in which the first proposition started would appear in some measure contrary to what the queen said in her speech, touching the barrier of the States. The point in dispute between your plenipotentiaries and ours is not to know, whether Tournay shall be restored to the king, or not. For to obtain that place, it is not necessary that you should begin by making this specific declaration; but the question is, whether the queen ought formally, and at present, to declare that Tournay shall be restored to France? Which would be to consent to the explanation which your ministers give to this article of the queen's speech. He then says, not to swell my letter too much, which may already seem tedious, I refer myself to what Mr. Prior shall have the honour to explain to you upon this point; and I shall content myself with saying, that as it is not difficult to find a temperament, I hope we shall avoid all things that may occasion a dispute between the ministers of Great Britain and France.

"This temperament is to be found in his lordship's letter to Mr. Prior, of the same day, which his lordship says, is to be looked upon only as a letter from Harry to Mat. and not the secretary to the minister. He sends him inclosed an extract of his letter to M. de Torcy, which, he says, relates to a matter that has given lord treasurer, and himself no small trouble in cabinet; he likewise sends him a copy of the plenipotentiaries dispatch of the 2d of September, upon the same subject; wherein, as he will observe, their lordships are very warm about the dispute. He can assure him, we have those here, who are not a jot cooler. His lordship goes on; the solution of this difficulty must come from you, which is a matter of management and appearance, more than of substance.

"The method of doing it is by making M. de Torcy sensible of the proposition settled between them in France, That the queen can never do any thing which shall look like a direct restraint on her allies from demanding what they judge necessary; but as long as they act the part which they now do, she can very justly be passive, and neuter, as to their interests. This his lordship thinks is advantage enough for France, and such a one, fairly speaking, as a year ago they would have given more than Tournay to be sure of. They must not, therefore, press us to go further than this, nor to do any thing which may seem contradictory to what the queen delivered from the throne.

"In a word, the use which the French will make of the unaccountable obstinacy of the Dutch, and the other allies, may in several respects, and particularly, for aught I know, in the instance of Tournay, give them an opportunity of saving and gaining more than they could have hoped for; and the queen may in the present circumstances contribute passively to this end, but actively she never can in any circumstances."

His lordship then very plainly gives his advice how this matter is to be managed, in these words; I think in my own opinion, and I believe I speak the queen's upon this occasion, it were better the French should in the course of the treaty declare, that whatever they intended to have given the Dutch when the queen spoke from the throne, their conduct has been such, and the situation of affairs is so altered, that the king is resolved to have Tournay restored to him: I say, I believe this were better than to expect that we should assent to an exposition of the queen's words, by which her majesty would yield the town up; let the conferences begin as soon as they will, I dare say business will not very speedily be dispatched in them: We shall go on to ripen every thing for a conclusion between us and Savoy, and France and Spain; and this is the true point of view which the French ought to have before their eyes"

The scheme being concerted here, and transmitted to France, lord Bolingbroke on the same day writes to the plenipotentiaries, in answer to theirs of the 2nd of Sept.. N. S upon which he had before told them, He could give no instructions till their letter was considered by the lords of the council; neither does his lordship now send them any directions, but enlarges upon the same general topics of imputing all the mischiefs that had happened, and in particular this affair of Tournay, to the ob-

annacy of the allies. His lordship observes, "That in the plan brought over by abbot Gaultier, the king of France begged for Tournay rather than insisted upon it, but was now encouraged to refuse what he only endeavoured to save, and in short that France had now gathered strength by our divisions, and was grown sanguine enough to make that plan the ultimatum of her concessions, which was at first nothing more than the ultimatum of her offers; but that the Dutch had nobody to blame for all this but themselves." His lordship adds, "Her majesty is very sensible of the concern you express for her honour, and will not, you may be sure, suffer herself to be a party to any thing which may appear contradictory to what she has once advanced; and, although perhaps, the yielding of Tournay might be reconciled to the terms of her speech, yet should the queen consent to this exposition of it, such consent would be almost a formal restoration of this place to France; and this, my lords, is what her majesty will avoid: But, I hope, the solution of this difficulty will come from France; and that when they have so many other quarrels to decide, that court will go back from a measure which must involve them in a dispute with the queen."

The Committee find a Paper, which is said to be delivered among Mr. Prior's loose papers, and seems to be the draught of a letter from Mr. Prior to Mons. de Torcy, pursuant to what lord Bolingbroke had written to him upon the subject of Tournay; which is in substance the same, and almost in the very words of lord Bolingbroke's letter to Mr. Prior, of the 10th of September, with this addition, that it begins thus: "There is more appearance than ever in this affair that is now under negotiation at Utrecht, and my Lord Treasurer does not at all doubt but the court of France will find a remedy."

And his lordship was not mistaken in his expectations, for M. de Torcy very readily followed the advice that was given by the English ministry; and on the 27th of September, N. S sends to my lord Bolingbroke a declaration to be made by the French plenipotentiaries at Utrecht, wherein the king's ministers are ordered to declare to those of Great Britain, "That the king did consent to treat of the peace upon the plan laid down in the queen's speech to her parliament; but at the same time they were to say, That the Dutch having refused to conform to the sentiments of that princess, having rejected the suspension of arms, and giving opportunity to the several changes in affairs that had happened, it is but just that his majesty should be recompenced for the expence he has been obliged to make during the course of this campaign. Upon this foundation his majesty orders his plenipotentiaries not to sign a peace but upon condition, That Tournay should be restored to him, besides the other places which he has demanded, and which he had reason to believe the queen of Great Britain did design to comprehend in her speech."

The original of this declaration that came from France, is in the secretary's office, and was sent by M. de Torcy, to lord Bolingbroke, who transmitted a copy of it to the British plenipotentiaries, but the letter of M de Torcy, in which it was inclosed, does not appear.

This transaction in relation to Tournay, seems of so extraordinary a nature, as to deserve to be set forth in one short view: The dispute concerning it arose from the French ministers insisting to be very particular and express in demanding the restitution of this place; which the British plenipotentiaries concerning to be inconsistent with what the queen had declared, refused to open the conferences until they had further orders. When this came to be considered in England, lord Bolingbroke says, It occasioned great warmth in the cabinet council; but his lordship instead of taking measures for preserving the town as part of the barrier of the States General, which, as he confesses, was so intended in the queen's speech, proposes expedients whereby the town might be restored to France, without the queen's becoming a party to a thing which was contradictory to what she had once advanced: And gives his advice to M. de Torcy, by what management Tournay might be secured to the king of France, contrary to the avowed sense of what the queen had declared in parliament; and although France had consented in a memorial delivered by abbot Gaultier so early as the 18th of November 1711, not to insist upon Tournay; and this he does in his private capacity, and not as Secretary of State; But that his lordship was not single in his endeavours to assist France upon this occasion, appears by the great trouble that he says this matter had given both him and my Lord Treasurer in the cabinet; and if any regard is to be given to Mr. Prior's paper, my Lord Treasurer must certainly have written to Mr. Prior upon this subject, who could otherwise have no ground to say, My Lord Treasurer does not at all doubt but the court of France will find a remedy: which is agreeable to what lord Bolingbroke said in other words, when this advice was sent. The solution of this difficulty must come from France.

What happened afterwards in relation to Tournay, upon what great concessions made to France, together with the advantageous terms procured for the elector of Bavaria, the measures and councils relating to this affair were afterwards altered, is not material enough to require a long detail; but nothing less than an absolute concurrence, without any new objections or further demands, was to satisfy for the cession of Tournay; and that it was at last obtained is owing solely to the firmness and resolution of the States.

The dispute between count Rechteren, and M. Mesnager was still kept on foot; and though it was at last left to her majesty to decide upon this difference. There being some points relating to commerce, and North Ame-

ject, which are of very great consequence to the interest of the queen's subjects, and the honour of this treaty still to settle; lord Bolingbroke thinks it necessary, though the Dutch may be uneasy that the affair of the four species to be excepted out of the Tariff of 1664, should still be kept in uncertainty; and the British plenipotentiaries accordingly, to gain time until they could know her majesty's pleasure, revived the difference between count Rechteren and M. Mesmager; and hope it is for her majesty's service in this manner to stave off the conferences.

The correspondence carried on between London and Utrecht about this time, relating to the differences that arose concerning the treaty of Peace, and in particular about our commarce, is contained chiefly in the fourth volume; but as it appears that all the matters in question, being reduced to as narrow a compass as was possible, were finally to be determined at Paris by the duke of Shrewsbury and Mr. Prior, the Committee think it needless to enter into all the orders and instructions, objections and answers, that went and came too and from Utrecht, where there was indeed but little more than the form of a negociation; and conceive that an account of what passed between London and France will set this whole matter in a clear light.

Your Committee think it not improper to take notice here of a remarkable passage or two, that are found in lord Bolingbroke's letters to Mr Prior on the 19th of September, O. S. Lord Bolingbroke sends Mr. Prior an account of some advices they had received of the invasion of the Leeward Islands by the French.

"This, dear Mat." says his lordship, "proves a very untoward *contretemps*; it gives a theme to the whigs, and serves to awaken passions that were almost lulled asleep We expected that Cassart's squadron might be gone to the coast of Brasil, or to Surinam, but we never imagined our colonies would have been attacked by him, at the time when we were knitting the bands of friendship between the two nations with all possible industry. Could this ill opinion of our new friends have entered into our heads, I do assure you he should have been accompanied by a fleet of the queen's, which would have kept him in respect: Compare this conduct with that of the queen's, &c." And here follows that passage which has been already mentioned, wherein his lordship declared concerning the order sent to the duke of Ormond, "I will not say this order saved their army from being beat, but I think in my conscience that it did"

His lordship goes on. "In a word we depended so much upon the good understanding, which we thought established, and were so earnest to prevent any thing which might break in upon it, that we not only avoided to fortify our squadron as we might have done, but we also neglected to put in execution some designs which would have annoyed both French and Spaniard, perhaps more than any that have been effected, in the course of this war."

Another instance of his lordship's good disposition to the French nation is to be found in his letter to Mr. Prior, of the 29th Sept. wherein he says, "I have got at last the affair of the Griffin compounded, not without very great difficulty; and though the sum paid to the captors was so large as 35,000*l.* the ship was plainly prize, and the pass sent over hither might have been proved to have been numerically one of those I delivered at Fontainbleau, four days after the Griffin was in sir Thomas Hardy's power; though Gaultier was ready to swear that he received it some months before; which part of the abbot has, I confess to you, done him no good in my opinion." From whence it appears, though this pass was none of them, that passes had been granted some months before the suspension was concluded.

Whilst the English ministry are doing these good offices to the subjects of France, and taking all opportunities both public and private to espouse their interests, your Committee is surprised at the ill treatment which England received from France at this time, and at their backwardness in making good their promises and engagements they were under in some points that most nearly concerned the interests of Great Britain.

At the latter end of October Mr. Prior was sent into England, and, by what appears, left his residence in France, without the leave or any orders from the queen his mistress; but was sent over by the king of France as a proper person whom he thought fit to intrust with his great secret of prevailing with the queen by her credit to obtain what the king demanded for the elector of Bavaria. He brings a credential letter from the king of France to the queen, which, seeming something new of the kind, is here annexed. (No. 38.)

About the middle of November, Mr. Prior goes back into France with new instructions, wherein the proposal of a neutrality in Italy is one of the chief articles; and that he might have a perfect knowledge of the queen's present resolutions and councils in relation to the present treaty of peace, a copy of the last instructions to the plenipotentiaries at Utrecht is given him, that as occasion shall require he might act in all things conformable to the queen's intentions therein expressed.

He carries likewise a letter from the queen to the king of France, wherein among other things, it is said, That Mr. Prior continuing to behave himself so as that his conduct may be intirely agreeable to the king of France, he does but literally execute the orders the queen had given him, and is a proof of his duty and zeal for her service, (No. 39.) After this short digression, to return back to what was just now mentioned; it appears that when the treaty of peace was ready to be concluded, the advantages Great Britain was to expect and reap from the endeavours of the British ministry, to assist and support the cause of France, were

in a great measure unsettled and undetermined. France began to cavil, and as lord Bolingbroke said, go back from what the king had promised the queen. His lordship cannot be persuaded, as he tells Mr Prior, "That the French act either fairly or wisely; they press us to conclude, that they may have others at their mercy; and at the same time they chicane with us concerning the most essential article of all our treaty, and endeavour to elude an agreement made, repeated, confirmed."

The two great points of moment in dispute, were concerning the fishery at Newfoundland, and in what manner the cession of Cape Breton was to be made; the other was about the treaty of commerce.

As to the first, it is to be observed, That in the queen's instructions to the duke of Shrewsbury, he is directed to propose, as the queen's last resolution, that she will consent to give and yield up to his most Christian majesty, the entire possession and propriety of the island of Cape Breton, but with this express condition, That his said majesty shall, on his part, in consideration of the same, relinquish to her majesty all manner of right to fishing and drying fish on the coast of Newfoundland, or any part reserved to his subjects, by the articles signed at London the 27 Sept. (6 Oct) 1711.

Several representations were sent backward and forward, shewing the fatal consequences of what was demanded by France; and although my lord Bolingbroke in his letter to Mr. Prior of the 19th of January 1712 13, insisted that the queen had never yielded what France pretended to, which then remained an unsurmountable difficulty; yet in his letter to the duke of Shrewsbury of the same date he tells his grace, if the French close with the overture he then made them, with regard to the disputes concerning commerce, her majesty is willing to accept the last expedient proposed by M. de Torcy, for adjusting our differences about North America, and to consent that the king, in the cession of Newfoundland, do reserve to his subjects a right of fishing and drying on the coast of Newfoundland, from point Riche north about, to Cape Bonavista; and here no direction is given concerning Capo Breton, of which the French got the entire possession and propriety; although in the duke of Shrewsbury's instructions, it is declared, that the queen looked upon Cape Breton to belong to her; and reckoned that island a part of the ancient territory of Nova Scotia, which is, by this treaty, restored to her. But if his grace could not prevail upon them to agree with him in the article of commerce, he was to declare, That neither will the queen agree with them in their proposition concerning Newfoundland.

Your Committee come now to consider, upon what consideration this great and valuable privilege of taking and drying fish upon the coast of Newfoundland was yielded up to France.

In this letter from lord Bolingbroke to the duke of Shrewsbury, is represented the State of the great dispute about commerce, which appears to be this: in M. de Torcy's answer to lord Bolingbroke's memorial of May the 24th, 1712, it was among other things, agreed, That Britain and France should grant to the subjects of each crown reciprocally, the same privileges and advantages, which they shall either of them grant to the subjects of any other nation whatsoever: upon this foundation was established the principle of treating, and being treated, as 'gens amicissima;' and pursuant to this principle the Tariff of 1664, which was granted to Holland, except the four species, was likewise to be granted to us; and by the 8th and 10th articles of the project of the Treaty of Commerce it was so settled. But France, pretending now that this Tariff would be too beneficial to us, although we are entitled to it, upon the principle of being used as the 'amicissima gens,' refused to grant it to us, until another Tariff should be made in Britain exactly conformable to that of 1664, whereby our duties should be reduced as low here, as theirs are in France by that Tariff.

This, lord Bolingbroke says, is an open violation of faith; and by this they are removing a corner-stone, which was laid early in the foundation of a building brought almost to perfection; the fall whereof must prove at last of as fatal consequence to them as to us.

He confesses he was strangely surprised when he saw the precedent of the Ryswick Treaty quoted, to persuade us to refer our commerce, as the Dutch then did theirs, to commissioners to be treated of after signing the peace. He says, the behaviour of the French upon that occasion has given us warning; and it is from thence we have learned, that whatever is referred, is given up; and they must have a mean opinion of those whom they would persuade to pursue the same method, to get the Tariff of 1664, by which the Dutch then lost it.

But surely his lordship had either not learnt this lesson, or had entirely forgot it, when on the 24th of May he himself had proposed, as has been before observed, that several points relating to commerce, requiring a longer discussion than that crisis would admit, commissaries should be appointed to settle and adjust the differences. But then it seems they were more intent upon the general peace, than any particular advantages.

His lordship goes on to offer an expedient which was to solve all the difficulties: and tells his grace, 'I am commanded to acquaint you, that having fully opened to the French ministers, her majesty's sense of the king's engagements to her upon this head, you are to propose to them, to strike out of the projects of the treaty of commerce the 9th and 10th articles, and instead thereof, to insert one to the effect of that which I have drawn, and which comes here inclosed;" and as the acceptance of this amendment was to put an end to all the differences, and at the same time give such ample advantages to France, the French readily

agreed to it. And did insert this article *verbatim* as it was sent in the treaty of commerce, which makes the 9th article of the treaty as it now stands, and is the same that was rejected by the last parliament; and this article which has been since so universally and justly condemned appears to be the work of the English ministry, and the price for which they sold to France the fishery of Newfoundland.

This treatment of France could not without doubt but give the ministry the greatest uneasiness, though their apprehensions, lest the circumstances they were in should be known; far exceeded their concern at the disappointment Great Britain was like to meet with. They had signed a separate treaty with France in September 1711, upon this single principle, that the interests of Great Britain were in the first place to be adjusted; and as long as they had this to say, they were unconcerned at all other events. They had gone on for fifteen months together, and acted in every thing as the instruments of France, and are at last in danger of being disavowed by France to the most essential part of all their treaty. One of the chief inducements and principal conditions upon which the fatal cessation of arms was granted, was that no privileges or advantages relating to commerce with France shall be yielded to any foreign nation which shall not at the same time be granted to the subjects of her Britannic majesty, but France had now reaped the full benefit of the suspension, and were at liberty to dispute the principle of 'quas nunciissime.'

In these circumstances were the English ministry in January 1712-13, and to extricate themselves, they give up all points in dispute in North America, and the fishery of Newfoundland, upon the single consideration of the ninth article of the treaty of commerce, which the parliament rejected with a just indignation.

However, to bring France to a compliance, even upon these conditions, his grace in the same letter is instructed to prevail with France to come to this resolution without the loss of one moment's time. The parliament was suddenly to meet, and it would be necessary for the queen to communicate to both Houses the present state of the negotiation. His grace is then to represent to M. de Torcy, in the best manner he is able. "How smoothly every thing would glide along, if the queen was able to speak of her own interests as absolutely determined with France; and on the other hand, what travels we shall be exposed to, and what confusion may arise, if our negotiation appears to be still open, and if the secret comes to be divulged, that France refuses to make good in the treaty the full effect of former promises to the queen."

His lordship having finished what he had to say concerning her majesty's particular interests, he proceeds upon the general plan of peace, and instructs his grace what he is to inform the French ministers would be the measure of her majesty's conduct, and what they may expect from her.

"That as the French ministers desire that the queen would precipitate the conclusion of her peace, and leave all the confederacy at their mercy, they must be told, that when the mutual interests of France and England are settled, as they will be, if the propositions contained in the first part of this letter are accepted, the plenipotentiaries of Great Britain shall publicly declare in the congress, that they are ready to sign with those of France; and shall call upon the allies to quicken their negotiations, and conclude without loss of time. But if they seek unnecessary delays, or make unreasonable demands, her majesty, who has induced them to treat, will by the same measures engage them to conclude, or at least she will sign without them."

"And the queen having once declared her interests to be settled, and her treaty ready to be signed, the general peace becomes from that moment sure; and the remainder of the negotiation easy; it is therefore wise for the French to comply with her majesty."

The great distraction the ministry was in appears sufficiently from this long letter of Lord Bolingbroke's to the duke of Shrewsbury but to be more fully satisfied what their own apprehensions were, and what they themselves thought would be the consequence of such proceedings; it is necessary to have recourse to two letters written about this time, and upon this subject, by lord Bolingbroke to Mr. Prior. One of January the 19th, the other of the 22d, O. S. The first was of the same date as his letter to the duke of Shrewsbury, and therein his lordship says to Mr. Prior, "I have exhausted all my stock of arguments in the long letter which by the queen's order, I write to the duke of Shrewsbury; to you I can only add, we stand indeed upon the brink of a precipice, but French stand there too. Pray tell M. de T[illegible] from me, that he may get Robin and [illegible] hanged; but affairs will soon run back into much confusion, that he will wish us alive again. To speak seriously, unless the queen can talk of her interests as determined with France; and unless your court will keep our allies in the wrong, as they are sufficiently at this time, I foresee inextricable difficulties."

"My scheme is this: let France satisfy the queen, and let the queen immediately declare to her parliament, and in the congress, that she is ready to sign; at the same time let the French plenipotentiaries show a disposition to conclude with all the allies." And then his lordship enumerates the several offers which he would have France make to the several allies which, though very general and insufficient, his lordship says, "if such overtures as these (made to the allies) were not instantly accepted, our separate peace would, in the parliament, be addressed for, made, and approved; and the cause of France for once become popular in Britain."

"If they were accepted, let M. de Torcy sit down and consider what a bargain would be made for France; let him remember his journey to the Hague, and compare the plans of 1709, and 1712."

"M de Torcy has a confidence in you: make use of it once for all upon this occasion, and convince him thoroughly, that we must give a different turn to our parliament and our people, according to their resolution at this crisis."

The next letter from his lordship to Mr. Prior, is upon the same subject, and of the same strain: "We are now," says his lordship, "at the true crisis of our disease, we die at once or recover at once; let France depart from that shameful expedient by which they thought to bubble us out of the advantages which they had solemnly yielded, and all is well, otherwise, by God, both they and we are undone."

"Pray send Bartoo back as fast as possible; the queen can neither delay the meeting of parliament longer than the 3d, nor speak to the Houses till we hear from you."

"My compliments to M. de Torcy: Let him know, that if they do not agree with the queen, I may perhaps be a refugee; if I am, I promise before hand, to behave myself better in France, than the French refugees do here. Make the French ashamed of their sneaking chicane; by Heaven, they treat like pedlars, or, which is worse like attorneys."

As all these public transactions passed through the hands of lord Bolingbroke, who, although he was secretary of state, acted extra provincially in all his correspondence with France; so it appears at the same time, that his lordship was not the only person in the secret; but that a greater influence chiefly directed and governed all these councils. And my lord treasurer, as in the great affair of Tournay, was in this transaction the chief conductor, as may very reasonably be concluded by several letters that Mr. Prior wrote about this time to my lord treasurer, although Mr. Prior has not thought fit to produce one letter from his lordship to him.

It is to be observed, that these letters to my lord treasurer, were chiefly wrote on the same days that Mr. Prior sent dispatches to the secretaries of state, giving an account of his proceeding, and desiring the queen's directions upon them; but it seems, he thought not that sufficient without knowing my lord treasurer's particular pleasure upon them.

Mr. Prior's dispatch to the secretaries office giving a full account of the present state of the treaty, together with several papers, memorials, and propositions relating to the points in dispute, and concerning commerce and North America, is dated December 28th, N. S. The day after, Dec. 29th, 1712, N. S. Mr Prior writes to my lord treasurer, and tells him, I have wrote a book instead of a letter to my lord Bolingbroke, which I desire your lordship would be pleased to run over, that knowing what I have done here, you may honour me with your commands as to what I am to do. He hopes his proposal about Newfoundland, which he sends his lordship inclosed, is such as may terminate that affair to our advantage. If your lordship is of the same opinion, I shall have entire satisfaction.

January 8th, 1712 13. N. S. Mr Prior having sent another full account in form to the secretary of state, writes the same day to my lord treasurer, that he had been in conference with the French ministers to adjust the points undecided between her majesty and the king of France; that he had sent lord Bolingbroke the result of those conferences, as well what was agreed to by the French ministers, as his own remarks upon each particular head; and says, I hope your lordship will find the whole adjusted so far to your satisfaction, as that our plenipotentiaries may receive their final orders. I will not doubt but the whole affair of Newfoundland is adjusted to your desire: there were some points insisted upon by our plenipotentiaries which the ministers here thought very unreasonable; and to say a truth to my lord treasurer plainly, which I a little mitigate to my lord Bolingbroke, I think not very reasonable. He then gives an account that M. de Torcy was surprised, that the Dutch had but in part complied with what lord Strafford declared to them to be her majesty's resolutions, to which he hopes the queen will send such an answer as may cut off all delays; and upon this occasion Mr. Prior says to my lord treasurer, "This I only write to your lordship, it being a thing that should not be canvassed in council; and I have promised that the king should have her majesty's answer upon it, as he desires."

January 19th, 1712-13, N. S. Mr. Prior writes again to my lord treasurer; acquaints him, "That the duke of Shrewsbury now sends to lord Bolingbroke the substance of their last conferences with M. de Torcy, upon the subject of Newfoundland, to which I take leave to add; that your friend Torcy is in the last concern to find the duke's instructions so strict, in a point which cannot be given up by France, at a time when we well hoped that difference was adjusted. Pray, my lord, let us have your distinct and positive orders hereupon by the first. I send your lordship inclosed a copy of my letter to my lord Bolingbroke, and duke of Shrewsbury desires, that we may have your orders to finish. I believe Torcy writes himself to you," Jan. 23d, 1712-13, N. S. Mr. Prior writes once more to my lord treasurer, and tells him, "I have already wrote so amply to your lordship, on the two great points of Newfoundland, and the tariff of 1664, and expect so daily your last orders upon these two points, that I will not trouble you at present further than to say, if these two are settled, the peace may be determined here to-morrow, and sent the next day to Utrecht to be signed." And on the 2d Feb 1712 13. Mr. Prior says to my lord treasurer; "If I desire you to write to me it is because I really think it for the queen's service that in this great post where you have put

me. I may be able to say, I have the immediate commands of my lord treasurer; and in regard to that friendship with which you have so publickly honoured me, and which, by the by, does all the business here." And on Feb 4th "I shall direct myself as you shall be pleased to instruct me privately."

If your Committee had found among the papers delivered by Mr. Prior, my lord treasurer's answers to these letters, they have reason to believe it would have appeared from them, how far the giving up the fishery of Newfoundland, and the accepting of the 9th article of the treaty of commerce, was owing to his lordship's immediate orders. It seems, however, to have been a very extraordinary proceeding, that the queen's ministers in France, acting by her authority, and under her instructions, should apply to my lord treasurer, for his distinct and positive orders to release them from the queen's instructions; because they are thought by the French ministers to be too strict, and if it be a doubt, by whose order or advice it was procured, so much is certain, that these applications had their desired effect; and the Newfoundland fishery was given up, and the advantages we were to receive from being treated upon the foot of 'gens amicissima,' were all buried in that destructive article, the 9th article of the treaty of commerce.

The difficulties relating to North America and commerce being in this manner determined, France was wholly intent upon concluding and signing with Great Britain, without taking in the rest of the allies, and in this they had the good fortune to have the concurrence and assistance of the British ministry.

By good management, the dispute raised at Utrecht had been so ordered, that the ministers of the allies could not obtain any conferences with those of France, till the points in difference were adjusted between England and France: by which means it was February 1712-13, before the Dutch and French were suffered to meet: And it being now the business of France to conclude with England separately, the temper the French plenipotentiaries appeared in, made all business so impracticable, that the British plenipotentiaries were under a necessity of complaining of it to lord Bolingbroke, and to acquaint him, Feb. 3d 1712-13. "The French appear so very uncomplying in every point debated, and so very forward and positive in their refusal of a great many things, which the Dutch took to be granted and settled, as well by her majesty's speech as the declarations lately made by lord Strafford, that the disappointment they met with, put them in the greatest consternation: Reason was also given us to participate in these discontents, and to regard several things which appear contrary to what her majesty has declared, as very unfair; yet all that could be said prevailed not."

Your committee is not surprised, that the instances of their excellencies had so little effect with the French plenipotentiaries, who then expected that orders should be sent to the British plenipotentiaries, immediately to sign a separate peace, which, according to their expectations, were sent, by Mr. St. John, brother to the lord Bolingbroke, to conclude and sign with France as soon as the duke of Shrewsbury should send them advice that the propositions he was to make at the French court were accepted; and on the 28th lord Bolingbroke with the utmost joy acquaints their excellencies, that he had received from the duke of Shrewsbury the expected returns; and which he doubted not would have reached their lordships. He had therefore without staying to enter into any other detail, dispatched a courier to them, to renew those instructions which he hoped were clearly enough signified in those papers which his brother carried. He acquaints them that the duke of Shrewsbury had declared, that their lordships had orders, in case the French complied, as they now actually have done, to sign her majesty's peace with France without further delay: and that his grace had also declared, that in this case her majesty would open the parliament, by telling them, she had made a peace with France. These two considerations, his lordship says, were perhaps the most prevalent inducements to the French court, to come roundly into her majesty's propositions; and the queen thinks herself, for this reason, still the more obliged punctually and religiously to fulfil these promises. The latter she will herself perform on Tuesday; and the former, it is her positive command that your lordships make good as fast as the necessary forms of preparing and executing the instruments will allow. And his lordship looking upon it now, that the chief difficulties relating to the treaty of peace were removed; as likewise in the treaty of commerce, by the article drawn by himself, and proposed by the duke of Shrewsbury, he gives their excellencies positive orders, without any delay, to execute the treaties of peace and commerce between Great Britain and France.

On the 7th, and 20th, of March, O. S. lord Bolingbroke repeats these positive orders, and insists, that the peace should be concluded with that precipitation which her majesty would have used. And it is observable, that among all the demands that were made, upon account of any prince or potentate, none at this time met with the least regard; when, at the same time, the interest of the princess Ursini is espoused in the strongest terms. And in the same letter, March the 3d, O S. where his lordship, speaking of the consequence of the restoration of the elector of Bavaria to his electorate, says, "Her majesty does not much enter into the notion of the degradation of Hanover as a matter of any importance." His lordship declares, "That the principality in some part of the Spanish Netherlands, with a revenue of 30,000 crowns demanded for the princess Ursini, must be made to the emperor, and all parties concerned, a condition, 'sine qua non,' of the general peace."

But the British plenipotentiaries, who were to sign, had some difficulties; and they acquaint lord Bolingbroke; We could say a great deal to justify our cautious proceedings with the French; and are satisfied, that your lordship would be of the same opinion, if you were to see their way of negotiating with all the allies; and how hard it is for us to obtain here what to your lordship seems impossible the French should make any difficulty to grant."

The repeated orders to the plenipotentiaries prevailed at last so far upon them, as to acquaint the allies, the queen found it necessary to conclude her own peace without delay, and that time should be allowed those that are not ready; But they still avoided the actual signing, till the rest of the allies, whose treaties were in a forwardness, were ready to sign with them; and, to justify themselves, they acquaint the duke of Shrewsbury, that, besides other considerations, their chief objection was, that though they had orders to sign a particular peace, yet their full powers under the great seal, only authorized them to negotiate, agree, and conclude the conditions of a good and general peace, agreeable to the interest of all, and each of the allies And what made them more averse, was the great importunity with which the French pushed them to sign separately. We are surprised at the eagerness of the French ministers to have us conclude with them alone, when so many of the allies are, in a manner, ready to join with us, nor can we enough apprehend the consequences at home of doing it alone.

Lord Bolingbroke, who says he has not sagacity enough to find the objections that the plenipotentiaries had made to their first full powers, for their satisfaction, sends them a new commission, and repeats to them positive orders to sign and conclude with France; for which purpose they were to appoint a day to desire them to be ready; and at the same time to press such as could not be ready by that day, to fix some other on which they will sign.

By this new commission, his lordship tells them, they have a power, as before 'tractandi 'conveniendique' the conditions of a good and general peace, which is no more than you are to do when you are to offer, jointly with the ministers of France, a general plan to the allies.

These difficulties of the plenipotentiaries made my lord treasurer, who never failed to exert himself when he found it absolutely necessary, think it high time to interpose his authority; and accordingly, March the 31st, N. S. wrote to my lord Strafford in this manner; "I must felicitate your excellency upon the success of all your zeal, and the true love you have shewn to your queen, your country, and repose of all Europe."

The remaining danger is, lest we should suffer shipwreck in the sight of the port. The nation here are five hundred to one for peace. The warriors are driven from their out-works; the last retrenchment they have is delay; and I must say this operates much here The ferment begins to work, and it will be impossible to answer for the turn the House of Commons will take, if these delays provoke them further. They all feel how many hundred thousand pounds this needless protraction costs them. We now maintain forty nine thousand effective men by land, and thirty thousand, within a trifle, by sea. In the mean time, the merchants lie off, and will not come into port; the amusement of stories invented by the faction, and the correspondence and encouragement that party gives to their friends to hold out, and to wait for some unhappy accident that may unravel all which is done. Add to this, the ill humour which will grow in members, by being kept so long in town idle, and in one word, all that has been unsettled for many days, is not worth one day's charge England is at extraordinarily by this delay. I find this seems to be the prevailing universal opinion here, and that France has acquitted herself; the only stop is now at Utrecht." But this stop did not now remain long; and as his lordship never yet appeared in vain, all further obstructions at Utrecht were after this soon removed April the 1st-11th, 1713, the treaties of peace and commerce between Great Britain and France were signed, between two and three in the afternoon. This example was followed by several of the allies, who came dropping in one after another. and last of all, when it was in vain to hold out any longer, the Dutch about midnight signed their treaties of peace and commerce; and the emperor and empire alone chose rather to bear the whole weight of the war, than submit to such disadvantageous and dishonourable terms as had been carved out for them by England and France.

The peace being thus settled between Great Britain and France, your Committee find, from the negotiation which remained still to be carried on with Spain, that the queen's plenipotentiaries did suffer a clause to be inserted at the end of the 15th article of the peace with Spain, whereby they gave a pretence to the Spaniards to claim a right to fish at Newfoundland.

The words of the article are these: Whereas it is insisted on the part of Spain, that certain rights of fishing at the island of Newfoundland, belong to the Guipuscoans, or other subjects of the catholic king; her Britannic majesty consents and agrees, that all such privileges as the Guipuscoans, and other people of Spain, are able to make claim to by right, shall be allowed and preserved to them.

This claim of the Spaniards is contrary to the 7th and 8th articles of the treaty made with that crown by sir William Godolphin, the 8th-18th July, 1670, whereby it is agreed, that the most serene king of Great Britain, his heirs and successors, shall have, hold, keep, and enjoy for ever, with plenary right of sovereignty, dominion, possession, and property, all those land, regions, islands, colonies, and places whatsoever, being or situated in the West Indies;

or in any part of America which the said king of Great Britain, and his subjects, do at present hold and possess.

And that the subjects and inhabitants, merchants, captains, masters of ships, mariners, of the kingdoms, provinces, and dominions, of each confederate respectively, shall abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or ware-houses, and in all other places whatsoever, possessed by the other party in the West Indies; to wit, the subjects of the king of Great Britain shall not sail unto, and trade in the havens and places, which the catholic king holdeth in the said Indies; nor in like manner, shall the subjects of the king of Spain sail unto, or trade in those places, which are possessed there by the king of Great Britain.

The board of trade was consulted upon the Spaniards claiming a right to fish at Newfoundland soon after the late peace, and returned the following answer to lord Dartmouth, dated June 13th 1712-13.

That in obedience to her majesty's commands, signified to us by your lordships of the 1st instant, we have considered the extract of a memorial from the marquis de Monteleon, relating to a claim of the inhabitants of the province of Guipuscoa, to fish on the coast of Newfoundland; and thereupon take leave to inform your lordship, that we have discoursed with such persons as are able to give us information in that matter; and we find that some Spaniards have come thither with passes from her majesty, and others may have fished there privately; but never any, that we can learn, did do it as of right belonging to them.

By the act to encourage the trade to Newfoundland, passed in the 10th and 11th years of his late majesty, when we were in amity and alliance with Spain, it is declared and enacted, that no alien or stranger whatsoever, not residing within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall at any time hereafter take, hait, or use any sort of trade or fishing whatsoever, in Newfoundland, or in any of the islands adjacent: pursuant to which act, instructions have been given every year to the commodores of the convoys, to prevent foreigners coming thither.

The Committee find themselves at a loss to account for the reasons that prevailed with the ministry to admit the insertion of this article, and upon this occasion they think themselves obliged to acquaint the House, that they find very few footsteps remaining of the whole transaction, relating to commerce with Spain. It appears that the management of it was entrusted with Mr. Gillingham, an Irish papist, who was sent thither for that purpose; for which reason lord Lexington, in his letters to lord Dartmouth, frequently excuses himself for not writing upon that subject, Mr. Gillingham giving such full accounts of the matter; notwithstanding which, no one letter from Mr Gillingham to the secretaries office can be found; and the committee are induced to believe, that this whole transaction was carried on by another way. From a letter of lord Lexington to lord Dartmouth of January the 9th 1712, wherein his lordship, speaking of the business of commerce, says, "Mr. Gillingham gives an account of the steps we have made, so I don't trouble you with them again; knowing that what goes to my lord treasurer, is the same as to yourself."

From this passage it appears evident to your Committee, that a correspondence was carried on between the earl of Oxford and Mr. Gillingham, in relation to our treaty of commerce with Spain. But for want of the papers which passed between them upon this subject, your committee is likewise at a loss to find what motives could induce the British ministry to admit so essential an alteration of the treaty of commerce, signed by the queen's plenipotentiaries, as is made by the three explanatory articles, as they are called, which are added to the said treaty, and are, in an unprecedented manner, inserted in the ratification of it, notwithstanding it doth not appear, they had ever been consented to, much less signed, by any of the queen's plenipotentiaries; amongst other very material disadvantages to which these articles subject our merchants, your Committee is informed, that, by virtue of them, Spain does actually at this time demand of our merchants fourteen per cent. on account of Cientos, Millones, and Alcavalas, over and above fifteen per cent. which they exact for other duties, (No 44) which added to them, amounts to no less than twenty nine per cent. whereas, it is notorious, that, during the reign of king Charles 2, of Spain, the whole duties exacted, and paid by our merchants, for all goods imported to the several ports of Spain, computed by an average, did never exceed ten per cent. but rather fell short of it. By what management these articles were ratified, and how legal and warrantable it was to affix the great seal to articles so pernicious in their contents, and so irregularly offered, your Committee must submit to the consideration of the House.

Your Committee having thus gone through the chief transactions relating to the negociations of peace and commerce, proceed to offer to the House what they have found material in the papers referred to them concerning the Catalans.

After several unsuccessful attempts by the way of Portugal, and the design upon Cadiz, to settle king Charles on the throne of Spain; and that the confederate fleet had appeared before Barcelona in 1704, without the desired success; her majesty in the beginning of the year 1705, sent Mr. Crowe as her minister to Genoa, with private instructions which are here annexed, (No. 45.) to the following effect: That her majesty being informed, that the people of Catalonia were inclined to cast off the yoke imposed on them by the French; and by withdrawing themselves from the power of the duke of Anjou, to return to the obedience of the House of Austria, was desirous to maintain and improve that good disposition in them; and to induce them to put the same speedily in execution,

had made choice of him to carry on so great a work, for the advantage of her service, and the good of the common cause. He is therefore ordered to repair to Genoa, Leghorn, or such other neutral country or place, as he should judge most proper, for carrying on her majesty's service in this particular; and to treat with the Catalans, or any other people of Spain, about their coming into the interest of Charles the third of Spain, and joining with her majesty and her allies. For that purpose he is to inform himself what number of forces they will raise, and what they expect shall be sent to assist them: If any of the nobility insist upon a sum of money to be advanced to them, he must assure them, he does not doubt but he shall be impowered to remit to them whatsoever is necessary and reasonable for their support, as soon as they are actually in the field. That he shall give the Catalans, or other Spaniards, assurances of her majesty's utmost endeavours to procure the establishment of all such rights and immunities as they have formerly enjoyed under the House of Austria; that she has, for their further satisfaction, sent to king Charles the third, for powers for confirming the same to them; and that she is willing, if they insist on it, to give her guaranty that it shall be done.

Mr. Crowe had also a commission, (No. 46,) of the same date with his instructions, to treat with the Catalans upon the terms before-mentioned, upon this express condition on their side, that they should acknowledge, and receive king Charles as lawful king of Spain, and utterly renounce the House of Bourbon.

He had with this, credential letters, (No. 47,) signed by the queen, directed to the nobility, magistrates, and all officers, civil and military, of Catalonia, desiring them to depend upon the promises he should make them in her name.

The earl of Peterborough, and sir Cloudesly Shovel, by their instructions, (No 48,) dated May 1st, 1705, are likewise ordered to use their endeavours to induce the Catalans to join with them in their undertakings: and to animate that people to prosecute their liberty with more vigour, they are empowered to assure them of the queen's support, and to promise them in the queen's name, that she will secure them a confirmation of their rights and privileges from the king of Spain, that they may be settled on a lasting foundation to them and their posterities. But last persuasions alone should not prevail, they are ordered, in case the Catalans make no suitable return to these kind offers, to annoy the towns on the coast of Spain, and to reduce them by force.

In conformity to these instructions, a declaration was drawn here, and delivered by Mr. Secretary Harley to the earl of Peterborough, for his lordship to publish in Spain, full of assurances in the queen's name, of support, and of their liberties on the one hand, and threats on the other; which declaration his lordship, on his arrival in Spain, did accordingly publish, (No. 49)

The successes of that expedition need not be

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here particularly mentioned. King Charles, in his letter to the queen, Oct. 22, 1705, gives an account of them, and what they were owing to, viz. "The assurances of your majesty's generous protection, upon which my subjects in Catalonia expose their lives and fortunes."

No want of fidelity or zeal for the common cause, during a long war, that abounded with extraordinary turns of fortune, was ever objected to these people; on the contrary, they received to the last the applauses of the allies, and assurances repeated to them by every general and minister that was sent from Great Britain to that country, that they should never be abandoned.

When the queen entered into separate measures of peace, lord Lexington was sent ambassador to Spain; at which time, considering the circumstances of king Philip's affairs, and the obligations he had then received from the queen, the Catalan privileges, if plainly demanded and insisted upon, could not have been refused, and without it, could never be expected to be granted to a people so remarkably zealous for the common cause.

But his lordship's instructions, (No 50,) instead of directing him to insist upon this, as a condition of the queen's coming into the peace, order him only to represent to the court of Spain, that it is no less for the king's interest, than for the queen's honour, that a general amnesty without exception be granted to all Spaniards who have adhered to the House of Austria, and in a particular manner to the Catalans, with regard to their persons, estates, dignities, and privileges.

These Instructions, though very defective, were not complied with; for lord Lexington, in the 11th article of his paper, which is called demands, (No 51,) delivered to the court of Spain upon his arrival there, expresses himself thus: That the queen prays his Catholic majesty, that a general amnesty without exception be granted; but leaves out the words in his instructions with regard to their persons, estates, dignities, and privileges.

The king's answer was, That the general amnesty relating entirely to the general peace, was not proper for the present treaty; and therefore he leaves it to be then treated of: that his majesty will make use of his great clemency, provided the queen will contribute to the safety, to the repose, and to the interests, of so many faithful subjects, who, according to their duty, had followed his righteous cause in Flanders, and in all the parts of Italy; and that an express article be inserted in the peace, wherein it shall be declared, That all subjects who have done their duty, by adhering to his Catholic majesty, shall be established in their estates and honours, of what nature soever they be, which they enjoyed when they were under his obedience; and that they may mortgage, exchange or sell, at their pleasure; and that they shall have full liberty to continue in the service of their king; and that neither upon this pretexty or any other whatsoever,

they shall receive the least prejudice, or the least harm in their estates and honours, or any molestation whatever, and that any municipal law to the contrary (if there be any such) shall be made void by the treaty of peace.

Lord Lexington transmits this answer to England, which, though containing a direct refusal at present of what was desired, and only general assurances of clemency from the king, on conditions that could not possibly be expected to be complied with; yet his lordship in his letter to lord Dartmouth, writes word, That the 11th article (which is this about the Catalans) was agreed to; and thinks what they desire is but justice: and then goes on; "Thus, my lord, I have finished my negotiation in the best manner I could, and hope it will be to her majesty's satisfaction."

No dissatisfaction was shewn by the ministry in England, either with this manner of negotiating, or the fruitlessness of it, but he is ordered to proceed in the business, both as it was an act of humanity, which every one to the utmost of their power ought to promote; and that the interest of the king of Spain was most nearly concerned by that means to get the Germans out of the country.

Hereupon another memorial for an amnesty is presented, the motive used to induce the king to grant it, is his own interest, and to remove the Germans, without any notice taken of the queen's honour being concerned in the affair.

The king answered, That the Catalans had deserved little from him; that they were now reduced to a small extent of ground, by the withdrawing of the troops of Britain and Portugal; that his troops, and those of the king his grandfather, were entering into their country by three several ways; therefore more in complaisance to the queen, than for the arguments that had been offered, he was willing to grant his pardon to those Catalans, who acknowledging his clemency, and repenting them of their error, should submit to his dominion and vassalage, within a time to be prefixed.

Count Sinzendorff, in the project for evacuating Catalonia, insisted upon the preserving the people their privileges: but the king of Spain refused it, and would only grant them an amnesty and pardon.

Lord Dartmouth in his letters both to the marquis de Monteleone, and lord Lexington, says, He cannot express the queen's surprise to hear, that the privileges of the Catalans were not intended to be preserved to them by the court of Spain; that those privileges were necessarily included in the meaning of a general amnesty already granted; that this was an affair wherein the queen's honour was extremely concerned, and that she was obliged by motives of conscience not to depart from it. Lord Lexington is hereupon ordered to insist again upon it, in the strongest manner imaginable; that when the king of Spain is convinced of her majesty's steadiness, and the firmness of her resolution to adhere to this demand, no doubt he will yield to what has been so solemnly promised, and is in itself so reasonable. That the marquis de Monteleone, being restrained by his instructions from treating upon this point, the negotiating of it must entirely lie upon lord Lexington.

Accordingly his lordship presents another memorial for a general amnesty, with the confirmation of all their privileges. The amnesty, he says, was granted, but the privileges entirely refused, and in such a positive stile as he never met with, but in demanding a tract of ground about Gibraltar.

In another letter, speaking of the many demands he met with in Spain, he says, "Things are not here upon the same foot as they were before the suspension, for the king told me these words, We know that the peace is as necessary for you as for us, and that you will not break it off for a trifle."

It may seem at first sight unaccountable how the queen's endeavours could fail of success, when she declared her conscience was concerned in this matter, and that, though she desired a peace, she would not act inconsistently with honour and justice to obtain it.

The first fatal step to the ruin of the Catalans, was the orders sent lord Lexington, (contrary to his first instructions) upon his arrival at Madrid to acknowlege Philip as king of Spain in a private audience, before any one article of peace or commerce was settled with him, which put him in a condition of refusing this, and whatever else he should think fit.

The manner how Spain gained this important point appears to be as follows. Lord Dartmouth had acquainted Mr. Prior, that lord Lexington was not to acknowledge Philip as king of Spain, till he had agreed to the demands his lordship was to make in the queen's name.

However lord Dartmouth thinks it convenient the sentiments of the French court should be known upon this matter as soon as possible.

This method of proceeding with Spain was very much disliked in France, and Mr. Prior writes lord Dartmouth a very elaborate letter, full of M. de Torcy's reasons to induce our ministry to recede from that point, and concludes with this remarkable one; "That the whole treaty being eventual, this acknowledgment of Philip as king of Spain, would fall as the other points, unless the conditions were made good, and the peace agreed and ratified."

Hereupon lord Bolingbroke determines this matter in favour of Spain, by imputing the former directions to lord Dartmouth's mistaking the queen's meaning: And writes Mr. Prior word that he was equally surprised and vexed, to find by the uncouth way of explaining the queen's sense, that Mr. Prior had been led to imagine it was intended lord Lexington should make any difficulty of acknowledging the king of Spain as such. "The proceeding this way, by acknowledging the king in the first place," (says his lordship,) "seems natural, civil, and

unexceptionable, but any other schema is absurd, and inconsistent with all the rest of our proceedings" And then concludes, "for God's sake, dear Mat lnde the nakedness of thy country, and give the best turn thy fertile hrain will furnish thee with, to the blunders of thy countrymen, who are not much better politicians than the French are poets"

Lord Dartmouth it seems thought fit to acquiesce, and the same day that this letter was writ, dispatched orders to lord Lexington, to acknowledge king Philip in the first place, notwithstanding his former instructions to the contrary.

But to return to the Catalans. Nor did the ministers shew that zeal for the queen's honour as might be expected, but plainly gave this matter up. Lord Bolingbroke, in his letter to the queen's plenipotentiaries at Utrecht, tells them, it is not fit the interest of England to preserve the Catalan liberties; and likewise begs leave to make an observation to them, that the Catalan privileges are the power of the purse and sword; but that the Castillian privileges, which the king of Spain will give them (in exchange for their Catalan) are the liberty of trading, and resorting to the West Indies, and a capacity of holding those beneficial employments the king has to bestow in America; which, says his lordship, "are of infinitely greater value to those who intend to live in a due subjection to authority."

"Lord Lexington also, instead of supporting the Catalan privileges, treated the people as rebels; and to induce Spain to make peace with Portugal, puts M. Orry in mind of the necessity Spain is in of withdrawing their troops from Andalusia, in order to end the rebellion of the Catalans. (No 55.)

When the convention was forced upon the emperor for the evacuating Catalonia, the imperial ministers at Utrecht insisted upon the preserving by that treaty the privileges of Catalonia, Majorca, and Ivica; but France and her confederates insisting, that that matter should be referred to the peace, the imperial ministers at last acquiesced, upon the queen of Great Britain's declaring again, that she would interpose her good offices in the most effectual manner to obtain the privileges of Catalonia, Majorca, and Ivica: And the French king engaged at the same time to join his endeavours for that purpose Hereupon the negociation in Spain was kept up till our treaty of peace with that crown was ripe, by which the Catalan liberties were to be abandoned. This lord Lexington signed, contenting himself with protesting against that article, at the same time he signed it; as he had writ word before he intended to do, and that therefore the queen was entirely at liberty to reject it

Notwithstanding the king of Spain's former refusal, lord Lexington is again directed to insist upon the Catalan privileges, and is again told, "That the queen thought herself obliged by the strongest ties, viz those of honour and conscience, to insist upon it, for a people whom the necessity of the war had obliged her to draw into her interest. His lordship had signed the treaty with Spain before these orders to present another memorial arrived.

He thereupon acquaints the marquis of Bedmar, that he was sorry he was obliged to do any thing which he knew was against the king's sentiments, but having received express orders, he must follow his duty, and present the following memorial.

"The under-written minister of the queen of Great Britain, in pursuance of the strict orders he received the last post, is obliged most humbly to renew the instances he has so frequently made to your majesty, in favour of the Catalans. The queen orders him to represent, that she has nothing more at heart, than to obtain for those people the same privileges they formerly enjoyed; which she thinks herself obliged to do, by the two strongest motives that are possible, viz. honour and conscience, that she may not leave a nation, which the misfortune of war obliged her to draw into her interest, in a worst condition than she found them. She hopes, that after all the pains she has taken for procuring a solid and lasting peace to Europe, your majesty will not leave her with the grief of having been the occasion of the loss of the privileges of that people, but rather, that in regard to the strict friendship which with God's blessing is so near being established between both your majesties, as well as the union so necessary to the interests of both nations, your majesty will not make any difficulty any longer to grant this favour to her majesty which she has so much at heart."

"The Marquis de Bedmar's answer to this memorial was, that this point about the Catalans having been debated in the treaty lately concluded, and signed in this court by his excellency and himself, which his excellency will own, and may be pleased to acknowledge, the king does not see that any thing further is to be done in the matter.

"This treaty was sent to England, and ratified by the queen. Lord Dartmouth says that lord Bolingbroke had the principal share in the negociation, and that the article of the Catalans was put in as soft terms as was consistent with the queen's honour to allow.

The terms of the treaty are, that the Catalans shall have the same privileges as the king's best beloved subjects the Castilians enjoy.

When the king of Spain had received this convincing proof of our ministry's attachment to his interests, and that the before mentioned ties of the queen's honour and conscience were of no force with them when opposed to his desires, he takes a further step, and directly proposes to lord Lexington, that the queen would assist him with ships to block up Barcelona, (No. 56.)

His lordship's answer was, that he was afraid this proposal would meet with this difficulty, that her majesty would be very unwilling to lend her ships to exterminate a people that had taken up arms in a great measure at the insti-

gation of her ministers; and that she would think she had done enough to gratify the king in not insisting upon the preserving for them their ancient liberties, without helping to destroy them. But the regard the ministry had to this request of the king, will afterwards appear.

The French ambassador and the Princess des Ursins proposed to lord Lexington, and the night before he left Madrid, the king sent for him, and engaged him to write a letter, concerted with, and approved by, the king, to the regency of Barcelona,(No. 57) advising them to submit themselves to their king. His lordship assures them of his constant endeavours to do the best he could for them; that God had not permitted him to do more than he had done: That if they would take their resolutions soon, before he was out of Spain, he would write for them in the manner they should desire; and concludes his letter with new assurances of his concern for their interests.

To make this appear the more friendly to them, he tells them, he had entrusted the consul at Alicant to get this letter conveyed to them, upon some pretence or other; though a duplicate of it was also sent to the count of Lecheraine, one of the king of Spain's generals before the town, with direction to have it sent in as by a deserter, without his knowledge. (No. 58)

Mr. Burch, his lordship's secretary, amongst other reasons, gives this for the writing this letter; that if the Catalans had a mind to accommodate, the queen would have the mediation, and if they had not, that then the court of Spain would see, that her majesty would be always ready to serve them. (No. 59)

But this artifice to induce the Catalans to abandon their defence in hopes of his lordship's good offices, had on effect upon men determined to die for the liberty of their country.

Nothing but force could extort that from them: and therefore sir Patrick Lawless, in September, 1713, presents a memorial (No. 60,) to the same effect with what was proposed the month before to lord Lexington in Spain, setting forth that the Catalans and Majorcans had not submitted themselves to the king's obedience, and interrupted all commerce and correspondence in the Mediterranean; and submits it to the consideration of the queen, not only as gurantee of the treaty of evacuation, but as it concerned the interests of Great Britain: and therefore his catholic majesty hopes the queen will order a squadron of her ships to reduce his subjects to their obedience, and thereby complete the tranquility of Spain, and of the Mediterranean commerce.

As soon as the season of the year would permit, a fleet is accordingly fitted out for the mediterranean, under the command of sir James Wishart, whose first instructions bear date 28 Feb. and the additional, 18 March 1713-14 by which (No 61, and 62.) he is ordered to inforce a strict observance of the treaty of evacuation in all its parts, upon any complaints of the queen's subjects, of interruptions of commerce, or depredations by the vessels of Catalonia, Majorca, Sardinia, Naples, and other places, to demand restitution; and, in case of refusal, to make reprisals. To repair with the fleat before Barcelona, then besieged by the enemy, and demand immediate payment of the value of the queen's stores in the town, or a sufficient security for payment in some reasonable time. To take care to time his arrival before the town, according to the advices from lord Bingley, then designed to be sent to Spain; by the strongest representations to induce the regency of Barcelona to accept of the terms that shall be obtained for them. To take all the necessary measures pursuant to the queen's intentions to put an end to the confusions that now reign in those parts: And all proper methods of persuasion to induce the inhabitants of Majorca to submit to the terms that shall be offered them; and in case of refusal, to employ his squadron in countenancing and assisting all attemps which may be made for reducing them to a due obedience.

It may not be improper in this place, to take notice,

1st, That although the queen had engaged herself, by the treaty of evacuation, to interpose her good offices in the most effectual manner to obtain the Catalans their liberties, yet instead thereof the most effectual methods were used to the contrary; and Mr. Prior acquainted Monsieur Torcy, that the queen was assured the Catalans would submit upon the terms before offered by the king of Spain, without so much as mentioning their ancient privileges any more. (No 63)

2dly, That the French king who had put himself under the same obligation as the queen by the said treaty, after this account from Mr. Prior, of the queen's sentiments, thought fit also not to ask for their privileges; Mr. Torcy also alleging, that the king had little interest with the court of Spain.

3dly, That Britain was under the same engagements by that treaty, to support the privileges of Majorca, as those of Catalonia, at the time sir James Wishart had direct orders to attack them.

4thly, That when these rigorous measures were forming against the Catalans, lord Bolingbroke writes word to Mr. Prior, that by what we observe in the Catalan agent here, of whom we have never taken the least notice as a public man, it is pretty plain that a reasonable accommodation might be made, as he expresses it, with that turbulent people. (No 64.) What was called turbulency in the Catalans, may appear by their answer to the duke of Popoli, the king of Spain's general, who summoned them to surrender. They told him they would die rather than be slaves; but if their ancient liberties were confirmed to them, they would open their gates, and receive him with all gladness.

The House of Lords expressed their concern in a public manner for the miseries of the Ca-

talans; and by their address to the queen, the 3d of April, 1714, made it their most humble and earnest request to her majesty, that she would be graciously pleased to continue her interposition in the most pressing manner, that the Catalans may have the full enjoyment of their just and ancient privileges continued to them.

Her majesty's answer was, that at the time she concluded her peace with Spain, she resolved to use her interposition upon every occasion for obtaining those liberties, and to prevent, if possible, the misfortunes to which that people are exposed, by the conduct of those more nearly concerned to help them.

Hereupon, for form's sake, and to allay the indignation conceived against the ministry by the people in general, who compassionated the calamities of those who fought for liberty, the demand of the Catalan privileges is again put down in lord Bingley's instructions, who was before ordered to go to Spain, but was never sent.

So that the only favour obtained from the ministry by this earnest address of the House of Lords, in behalf of the Catalans, was an intimation sent by lord Bolingbroke to the admiral not to appear before Barcelona nor to attack the Majorcans, till he should hear from lord Bingley and receive directions from England. And also a letter from his lordship to Mr. Grimaldo, above two months after the Address, though the town was invested at the time of making it; wherein he makes a kind and friendly complaint, as he terms it, that the Catalan privileges had not been yet granted them, nor any reasonable terms offered, which they must either have accepted, or forfeited the queen's compassion, and that of the whole world.

The admiral had also his scruples, whether his orders, couched in ambiguous terms, would justify him in attacking Barcelona. He therefore writes to lord Bolinbroke and lord Bingley upon it, and submits it to lord Bingley's consideration, whether the Catalans might not refuse conditions that may be most advantageous, if they find he is not to act by force; and desires that his orders to act before Barcelona, either by force or otherwise, may be very plain and clear, assuring him that he will most punctually obey those already given him, and such as he shall hereafter receive.

When sir James Wishart arrived at Cadiz, he gave the governor a list of the ships under his command for the Mediterranean service, who sent it immediately to Madrid; but though several messages came from court to the governor during the admiral's stay there, no one compliment was made him, to signify his arrival was welcome, or any question asked about what services he was to perform, which a little surprised him; that as soon as they had an account at Madrid, of his arrival at Cadiz, Mr. Orry was dispatched to Catalonia with full power to treat with the Catalans; so that, says he, it would appear, that though the king of Spain has all the advantage of the queen's ships, as much as if they were actually before Barcelona, by representing to those people, which they very well know, our arrival in these parts, and how far we are on our way to the Mediterranean, yet the king would not seem to owe the success of such agreement to the queen and her ships, but to France only.

But this negotiation of Mr. Orry failing of success, by the Catalans refusing to submit without having their liberties granted them, obliged the court of Spain to take more notice than otherwise they were inclined to do of the admiral, who from Alicant writes to lord Bingley, then expected at Madrid, that he had received a very civil letter from Mr. Grimaldo, who sent him the king's order for exempting the provisions for the fleet from paying any duty. He tells him, that this exemption was usually granted to the admiral himself that commanded, but being a trifle, he submits it to his lordship's better judgment, whether the granting him this might not be a means to prevent any thing that might be intended by the court at Madrid more to his advantage, and leaves it to his lordship's consideration what may be most for his interest at that place; and hopes by his friendship to find some marks of favour from thence in regard to his expence in this expedition, so much intended for their service, and for which he has no allowance from home but his pay, which will not defray half his charges, (No. 65.)

In another letter of sir James Wishart to lord Bingley, he acquaints his lordship, that though he had formerly desired him to move the king of Spain, that the grant of exemption of duties for provisions for the Fleet might be made to himself, yet upon farther consideration of the matter, which is but of small moment, and may appear greater at the court of Spain and England than really it is, he desires his excellency not to take any notice of it, but let it stand as it does; and desires his excellency's countenance and assistance upon any other occasion, that the court of Madrid might take to express their good will to him, (No. 66.) Nor was it long before the admiral gave the court of Spain more particular proofs that he was not unworthy of their expected favours.

After Barcelona had been invested a considerable time by the Spaniards, and reduced to great difficulties for want of provisions, the French king, though engaged with the queen, by the treaty of evacuation, to employ his good offices in the most effectual manner, in favour of the Catalan liberties, thought fit to send his troops against them, commanded by marshal Berwick, who opened the trenches before Barcelona, the first of July O. S. 1714. And on the 8th of the same month, sir James Wishart, in the queen's name, writ them a threatening letter, (No. 67.) directed to the deputies, and others who possessed the government there, telling them, that complaints had been made of their disturbing the commerce of the queen's subjects, and that they had insolently presumed to take, carry off, and plunder their ships, and

used the men in a barbarous manner; he had therefore thought fit to send captain Gordon with two men of war, to represent to them these unwarrantable and presumptuous proceedings; and by the queen's command demands immediate satisfaction for the same, and the punishment of the officers of the ships with the utmost severity. If this be not punctually complied with, he leaves it to themselves to judge what the consequences may be

The deputies returned Answer, (No. 68) that only one of those vessels mentioned in captain Gordon's memorial, was taken by them into Barcelona, being laden with salt, for which they paid the price immediately to the captain of it; that being besieged, they thought they might do so with justice, and by the law of nations; that they were far from living like pirates, as their enemies suggested in order to distress them, by preventing any one's coming with provisions for their relief; that what English vessels had entered their Port with provisions, had been well treated, and had freely sold their merchandize, and at a higher price than they could have got any where else; that they had paid them with their best sort of money, and to all their satisfactions; that they had that day published an order, forbidding upon pain of death any of their ships to molest any English, even though they were going with provision to the enemy.

They hope his excellency will be satisfied with their conduct, which is conformable to the rights of people that are besieged; assuring him, that when they shall know of any of their ships, either with commission, or without, that shall have caused the least damage to any English, they will not only immediately inflict a rigorous punishment, but repair all the damage; desiring to live in the good correspondence they have had with his noble and generous nation, with the utmost deference for the queen, and ready to obey his excellency's orders with all affection and respect.

The government of Barcelona in their extremity writ another letter to the admiral, dated July the 23d, (No 69) setting forth, That his excellency very well knew that the engagement Catalonia entered into to receive Charles the 3d for their king, was founded on the protection of the high allies, but most particularly of England, without which they were not capable of undertaking so great an enterprize. That they had for 7 years together endeavoured to serve the English nation in every thing it was possible for them to do, by contributing troops and considerable sums of money without interest. And though they had pleased themselves with the thoughts of the happiness to be always subjects of Charles 3, yet by the ordinary change to which human affairs are liable, they now see the troops of the duke of Anjou, aided by the French, masters of all the principality except Barcelona and Cordona, committing through the whole the most execrable hostilities, burnings, and plunderings, without sparing the effusion of innocent blood, and without distinction of age or sex.

That for a year together the enemies army had oppressed Barcelona by sea and land, making them continually suffer the calamities of so long a blockade; during which time the enemies have thrown fourteen thousand bombs into the town, which have ruined the greatest part of the houses; that now they expect to be attacked in form; and that in 24 hours the town will be battered in breach They cannot express their affliction, to see the danger of the inhabitants exposed to be the victims of that cruelty with which the enemy threatens to treat them Having no comfort left, they fly to the queen of Great Britain, beseeching her protection by the inclosed letter to Don Dalmases, their envoy at London; and in the mean time, till an answer can come, they beseech his excellency from their souls to mediate with the French troops who oppress them, for a suspension of arms, since the congress at Baden, now sitting to conclude of a general peace, may still determine this affair; they doubt not that his mediation will be able to procure them this relief, since his squadron is superior to that of the enemy They see no other remedy in nature for their misfortunes, and therefore hope his excellency will not refuse them, that if Catalonia has merited any thing by its services, and by its conjunction with the English nation, this is the time to receive the fruits of it; that it is worthy of his excellency to comfort the afflicted, and not to deny them this favour in their great necessity.

How the admiral was affected with this letter may appear by one of his to lord Bingley, dated August the 7th, (No. 70.) wherein he acquaints him, That Mr Grimaldo had signified to him from the king of Spain, that all the king's ships of war being employed before Barcelona, his majesty could not send any of them to meet his flota then coming home; and therefore desired the admiral to send three of his upon that service, which was accordingly complied with. Of this he had acquainted lord Bolingbroke, and hopes to meet with her majesty's approbation.

The Catalans thus abandoned, and given up to their enemies, contrary to faith and honour, were not however wanting to their own defence, but appealing to heaven, and hanging up at the high altar the queen's solemn declaration to protect them, underwent the utmost miseries of a siege, during which, what multitudes perished by famine and the sword! How many have since been executed! And how many persons of figure are still dispersed about the Spanish dominions in dungeons, is too well known to need any relation

It is hoped however, that the calamities of the Catalans will not be imputed to Great Britain in general, abused by the ministry, with repeated assurances, that every thing was doing for the preservation of that unfortunate people.

The Committee find frequent notices and mention made of the Abbot Gaultier, who, although he does not appear to have had any public character resided in England during the

greatest part of this negotiation, and upon extraordinary occasions, was very often sent backward and forward.

But the share that he had in the more public transactions, was not his only business. It is evident, that some negotiations, which required more than ordinary privacy, were verbally transacted; and upon all such occasions, Abbot Gaultier was the person to whom the French and English ministers mutually referred each other.

And as of necessity nothing could be a greater secret than all matters relating to the pretender, this province was particularly allotted to Abbot Gaultier, that through his hands, and under his conveyance, by French couriers going continually betwixt France and England, such practices might be carried on with great safety, which in any other manner had been too dangerous an undertaking.

The first time that any secret negotiation is expressly referred to Abbot Gaultier, is found in a letter already taken notice of, where Mr. St. John, March the 4th, 1711-12, tells M. de Torcy, He had deferred writing to him of late, till he might write with certainty, till the necessary dispositions were made among our people at home, and till the queen had taken the only resolution which could bring us in a short time to a good and solid peace. "I have now the satisfaction to tell you, that this resolution is taken, and that Mr. Harley will carry with him this night, or to-morrow morning, the final instructions of the queen to her plenipotentiaries. I refer myself to M. Gaultier, to explain to you more at large the subject of this gentleman's commission, and what the queen hopes his most Christian majesty will do to co-operate with her."

The Committee having observed, at the beginning of this report, that several letters and papers are wanting, which, by the circumstances of time and matters then depending, appear to be of moment and consequence; it is not to be expected, that those who have been so careful to suppress matters of less importance, would leave behind them any transactions that might tend openly and directly to favour and support the cause of the pretender.

But as the Committee has observed several passages which are a plain indication of the tenderness and regard with which the cause and person of the pretender were treated, as often as mentioned; they have thought fit to bring them together, and lay them before the house in one view.

There is a paper that was left in lord Bolingbroke's closet, dated at Versailles, the 24th of September, 1711, endorsed, as other office papers usually are. It gives an account, that the pope's nuncio had in his last audience of the king made the following declaration. "The court of Rome being fully informed, that France was endeavouring to procure a peace upon the most advantageous terms that was possible, and being persuaded, that if the peace should be made, England would not suffer that the king of France should permit the prince of Wales to continue in his realms, the court of Rome offers to the king of France to give this prince an asylum at Rome, or in any other part of the ecclesiastic dominions."

To which the king of France returned in Answer, That an asylum for the prince of Wales would be no obstacle to the peace. That if the allies did truly design to make a peace, he would accept of any reasonable propositions they should make; and in this case an article for the prince of Wales would be inserted in the treaty.

June the 7th, 1712. The bishop of Bristol giving an account to lord Bolingbroke of some discourse he had with some of the ministers of the allies, says, Mons. Consbruck, one of the emperor's plenipotentiaries, kept also within the terms of decency, save only that he took it for granted, that one great end of all this management on our part, was to bring to the pretender; which apprehension one of the ministers of the States lately owned in private discourse, to have been the fundamental reason of all their conduct of late."

It cannot be forgot what great stress and weight was laid upon the removal of the pretender out of the dominions of France. This was what all the nation with great justice expected, and what the queen declared was taken care of, as an additional security to the protestant succession.

But his removing out of France, and being permitted to reside in Lorrain, was not only a great surprise to all the nation, but was received with such just indignation, that the parliament addressed the queen, upon this occasion, That she would insist upon his removal from Lorrain, that residence being equally or more dangerous to Great Britain, than his abode in France. Her majesty's Answer, That she would repeat her instances, occasioned in the House of Lords a becoming resentment, that the duke of Lorrain should presume to receive and entertain the pretender to her majesty's crown, in defiance of her majesty's application to the contrary. But it will now appear in what manner the removal of the pretender out of France was transacted and settled, and that his residing in Lorrain was not only with the approbation, but even by the direction and appointment of the English ministry. Mr. St. John, in his letter to M. de Torcy, of the 24th of May, 1712, O. S. when he sent him over the conditions upon which her majesty would make those important and decisive declarations to parliament, concludes that letter with saying, "He hopes, that, with the general repose we shall see revived in a few weeks, a good understanding between two nations which may become to each other the most useful friends, for the same reasons they have been the most formidable enemies. The queen commands me to tell you, that she hopes when you send an Answer to this letter, we shall have an account that the chevalier had begun his journey."

In answer to this, M. de Torcy says to my

lord Bolingbroke, "You may assure the queen that the chevalier is ready to depart at a moment's warning, if he did but know where he was to go, and in what place he might be in safety. I own to you, that I know no prince who is willing to receive him, for fear of displeasing the queen, or other powers, it will be absolutely necessary, that there should be some explanation upon this subject, which I desire you to make to me by the abbot Gaultier, if you do not judge it proper to do it yourself."

Mr. St. John, on the 6th of June, 1712, O. S. writes a public letter, in answer to the several points contained in M. de Torcy's last letter; but in that letter takes no notice at all of the chevalier.

But the day after, June the 7th, 1712, he writes a private letter, as he calls it himself, to M. de Torcy, and concludes it with saying, "The abbot Gaultier will write to you upon the subject of the chevalier."

The Committee observe, there are two copies of this private letter, one delivered by my lord Bolingbroke, the other entered in lord Strafford's book: and in the copy of this letter given in by lord Bolingbroke, this passage, "That abbot Gaultier shall write about the chevalier," is omitted by his lordship.

On the 22d of June, 1712, N. S. M. de Torcy writes two letters to my lord Bolingbroke. In the public letter nothing is said of the pretender; the private letter concludes with saying "I have the honour to send you a letter, under the king's hand, for her Britannic majesty; and I refer you to what the abbot Gaultier shall say to you, about the departure of the chevalier."

On the 21st of August, 1712, lord Bolingbroke being then in France, to give the finishing stroke to all matters of consequence that were undetermined, in his dispatch to the earl of Dartmouth, giving an account of his proceedings at the court of France, says, the chevalier has fixed his departure for the first of next month, N. S. They propose that he shall retire to Bar; and they intend to write to the duke of Lorrain to ask of the emperor, and other princes, a security for his person during his residence in that place.

But on the 28th of December, 1712, N. S. it appears that the chevalier was still in France, upon which account Mr. Prior writes thus to my lord Bolingbroke. "Another point upon which this court is very solicitous, is, that the chevalier remaining in any town of France obstructs the signing the peace: yet he cannot go to Lorrain till the emperor's passports will secure him there. Your lordship, by the perusal of the papers, will see the state of that case; and I have only to add upon this subject, that the court of France expresses an impossibility on their side, to do more than they have done, and hopes we should have interest enough with the emperor, to obtain such passports from him, as may secure, as well the person who is to go into Lorrain, as the duke of Lorrain, who is to receive him."

Mr. Prior on the 29th, writes to the same effect to my lord treasurer, and says, "the monarch is a good deal troubled upon this head, lest the young man should fall into the hands of the Hussars or Barbarians. And M. de Aumont has, I presume, orders to speak to our ministry upon it.

"As to the dowry, I shall not only be dunned to death, but hanged; for the dowager sends messengers to me, which you in England do not think it extremely lawful to receive, but if it is to be paid, pray let it be done in an handsome manner, that may shew the charity of the queen, and the generosity of her lord treasurer."

The papers referred to in Mr. Prior's letter, contain an account of what the duke of Lorrain had done, at the desire of the king of France, to obtain from the allies the necessary safeguards for the chevalier. He says that understanding that the queen of Great Britain had already granted her safeguard or protection to the chevalier de St. George, he believed they had no more to do, but to apply to the emperor, and to the States General.

By this account it is evident, that abbot Gaultier was the person entrusted to manage the affairs of the pretender, with whom such practices were verbally to be transacted as our ministry did not think proper to commit to writing. It appears, that the place to which he was to go, because nobody would receive him at the hazard of the queen's displeasure, and where he might remain in safety, was to be prescribed from England: that this was not fixed and determined till lord Bolingbroke went into France. And if his lordship's instructions are considered, it will be hard to find in them any thing of that importance and secrecy, as to require his going in person to settle it. His lordship gives an account from thence, that the pretender was to go to Bar; and this is acquiesced in here without the least objection made. The ministry are told by Mr. Prior, that the court of France hopes by our interests such passports would be procured as might secure his person: and in the paper sent to France from the duke of Lorrain, it is asserted, that the queen of Great Britain had already granted her protection to the pretender.

But November the 6th, 1713, lord Bolingbroke writes to Mr Prior, and says, "Her majesty having repeated to the duke of Lorrain the instances which you know have been so often made to the most christian king, for removing of the pretender to her crown out of his dominions, I am directed to acquaint you therewith, that you may speak to the minister of Lorrain, and to any other minister whom you shall think proper, and let them know it is absolutely inconsistent with the amity and good correspondence that is between the queen and their masters, to receive into their dominions, or to protect a person, who disputes her majesty's most undoubted title, and thereby endeavours to disturb the peace and quiet of her kingdoms. That you may be able to shew

them that this is the collective sense of the whole nation, as well as the queen's command to you, I herewith send you the addresses of both Houses of Parliament

This can be understood as no more than a bare compliance with the addresses of parliament And to shew how little resentment and indignation was conceived against the duke of Lorrain for this indignity offered to her majesty, the Committee have thought fit to transcribe a letter that was wrote by lord Bolingbroke to Mr. Prior, within four days after his last mentioned letter upon the subject of the pretender.

"This letter," says lord Bolingbroke to Mr. Prior, "will be delivered to you by the baron de Forstner, who has been twice at our court with the character of envoy from the duke of Lorrain, and who is extremely well with your friends on this side of tha water, that I make no doubt but that he will be a welcome acquaintance to you. I must at the same time recommend the interest of the duke of Lorrain his master to your care. You know, Sir, how little that prince has yet felt the good effects of what was stipulated for him at Ryswick. You know, Sir, how justly he pretends to an equivalent from this emperor for the Montserrat, which was given away from him to the king of Sicily. In a word, you are enough apprised of his wants, of his expectations, and of her majesty's earnest desire, if by any means she can, to contribute to the ease, and to the advantage of a prince, who observes much better usage than he has on many occasions met with."

There are several other letters that were wrote after the address of parliament to press the removing of the pretender from Lorrain; but after what has been said, it is needless to observe what little effect was to be expected from such representations made in the several courts of Europe, which were known to be contradictory to the sense and intention of the court of Great Britain. And if any further demonstration was wanting to shew their true spirit and inclination, it may be observed that the addresses to parliament were made in July, 1713: and the first letter that lord Bolingbroke wrote, in pursuance of those addresses was the 6th of November, which was four months after the addresses were presented to the queen.

The Committee think it not improper to insert here an extract of a memorial touching the demolition of the sluices of Dunkirk, delivered by M. de Torcy to lord Bolingbroke at Paris, in August, 1712.

It is not our business now to examine whether the queen of England, and the English nation, were in the right to demand the demolition of the fortifications, and the filling up the harbour of Dunkirk: that is a thing resolved and agreed upon. It may perhaps come to pass in the course of this affair, for reasons easily to be foreseen. That England shall repent having demanded the demolition of a place, and the destruction of an harbour, which might be of great use in conjunctures which perhaps are not very remote"

Your Committee do not take upon them to explain what conjuncture France had in view, and which they thought not very remote, when Dunkirk might be of particular service; but think it proper to conclude this part of the report with observing, that the pretender did, immediately upon the demise of the late queen, publish a declaration, which the duke of Lorrain has acknowledged in his letter of the 6th of December, 1714, that he received from the pretender himself; wherein is this remarkable passage: "Yet contrary to our expectations upon the death of the princess our sister (of whose good intentions towards us, we could not for some time past well doubt; and this was the reason we then sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death) we found that our people, instead of taking this favourable opportunity of retrieving the honour and true interest of their country, by doing us and themselves justice, had immediately proclaimed for their king a foreign prince, to our prejudice, contrary to the fundamental and incontestable laws of hereditary right, which their pretended acts of settlement can never abrogate."

The Committee observing in the eleventh volume referred to them, a Letter from the earl of Oxford and Mortimer, then lord high treasurer of Great Britain, to the queen, dated June 9, 1714; together with an account of public affairs, from August 8, 1710, to June 8, 1714, all written with his own hand, and sent to the queen with the letter; and finding therein many passages, in their opinion, highly deserving the consideration of this House, have thought it necessary to insert the same here at large and are as follow:

Lord OXFORD'S LETTER to the QUEEN. June 9, 1714.

"May it please your Majesty; I presume in obedience to your royal commands, to lay before your majesty a state of your affairs. Though I have very much contracted it from the draught I made, and the vouchers from whence it is taken: yet I find it swell under my pen in transcribing, being willing to put every thing before your majesty in the clearest light my poor understanding can attain to. It was necessary to lay it before your majesty in the series of time, from the beginning to this present time; and when that is compleatly laid before you, it remains only for me to beg God to direct your majesty.

"And as to myself, do with me what you please, place me either as a figure or a cypher, displace me, or replace me, as that best serves your majesty's occasions, you shall ever find me, with utmost devotion, and without any reserve, Madam, Your most dutiful, most faithful, most humble, most obedient subject, and unworthy servant,

(C) Southampton Library Digitisation "OXFORD."

A brief ACCOUNT of public Affairs since August 8th, 1710, to this preseut 8th of June, 1714. To which is added, tha State of Affairs abroad, as they relate to this kingdom; with some humble proposals for securing the future tranquillity of ber Majesty's regn, and the eafety of her kingdoms.

Her majesty on the 8th of Angnst, 1710, was pleased to alter her treasury, and two days after, in a new commission, Robert Harley, by her majesty's great favour, was made chancellor of the exchequer.

Tha etate of affaire at home and abroad are fresh in every one's memory.

The condition of the treasnry at that time was laid before her majesty in a large representation

I beg leave to touch some faw heads. The army was in the field, no money in the treasnry; none of the remitters would contract again; the bank had refused to lend 100,000*l.* to lord Godolphin on very good security; the navy, and other brenches of service, 11,000,000*l.* in debt, which enhanced the price of every thnik proportionably; the civil list in debt about 600,000*l.*, and the yearly income too little for the curreut certain expence, by the lowest computation 124,495*l.* 2*s.* 4*d.*

In a few days this naw commission made provision for paying the army by the greatest remittance that had ever been known; though the opposition from every office which was full of persons who were enemies to the change made by the queen, was very etrong, and very troublesome and vexatione; and such was the situation of affaire, that nothing but great patience could ever have overcome these difficulties; it being impossible ae well as unedvisable to make removes, but by degrees.

Ae soon as it was possible, (and notwithstanding tha clamours then raised, it was the only proper time) a new parliament is called.

Ite first meeting was November 27, 1710. Robert Harley had prepared the funds ready (before the parliament met, as he had done avery session to this day) not only for the current eervice of the year, both by eea and land, but also for easing the nation of above nine millions of debt. Thie was thought so chimerical when Robert Harley did begin to open it, that it wae treated with ridicule, until ha shewed how practicable it was. It is true, this gave great reputation abroad, and enabled so treat advantageanely of a peace: It raised sinking credit at home, but at tha same time as it drew envy npon Harley from some, and the rugé of othere; eo it gave offence to some of his fellow servants, who told him plainly that he ought to have told bis eecret, and if he would not get money himself, he ought to have let bis friends share 100,000*l.*, which would not have been felt or found out in so vaet a sum as 9 or 10,000,000.

To this principle was owing the setting on font at this time the unhappy voyage to Canada; to all which meetings Harley avoided coming, and gave lord Rochester his reasons; and after he desired his lordship to be a means to the queen to hinder that expedition; but it happened to be too late. But lady Masham knows how much Harley was concerned at it, though he did not know the true spring of that voyage, which will apear after in this paper.

Tha beginning of February 1710-11, there began to be a division amongst those called Tories in the House, and Mr. Secretary St John thought it convenient to be listing a separate party for himself.

To prevent this lord Rochester and Harley desired to have a meeting, and to cool such rash attempts; and it was contrived Mr Secretary St. John should invite us to dioner, (which was the last time he ever invited Robert Harley, being now above three years,) where wae the duke of Shrewebary, Earl Poulet, lord Rochester, and others; and lord Rochester took the paine to calm the epirit of division and ambition.

Harley was at this time seized by a violent fever, and on his first coming abroad, March 8, met with a misfortuna which confined him many weeks. The transactione during that time are too public, ae well as too black, for Harley to remember or to mention.

In the end of May, 1711, the queen, ont of her abounded goodness, was pleased to confer undeserved honours on Robert Harley; and on the 29th of the same month, was pleased to put the treasurer's staff into bis hands. A post eo much above Harley's abilities to struggle with, that he had nothing but integrity and duty to recommend him to her majesty's choice: eo he must have recourse to her majesty's transceudent goodness and mercy to pardon all his faults and failings, both of omission and commission, during tbe whole course of he service.

But to return and resume the thread of this discourse. The 4th June 1711. Three days after the treasurer was sworn, he was surprised with a demand of 28,036*l.* 5*s*, for arme and merchandize, said to ba eent to Canada. When the treasurer scrupled this, Mr. Secretary St. John, and Mr. Moor came to him with much passion npon the affair; and about a fortnight after, the secretary of state signified the queen's positive pleasure to have that money paid; and accordingly her majesty signed a warrent June 21st: and the treasurer not being able then, with all his precaution, to discover further light, the money was paid July 4, 1711.

Since the return from that expedition, the secret is discovered, and the treasarer's suspicion justified: For the public was cheated af above 20,000*l.*

There is reason to be more particular upon this head, because it is one of tha things never to ba forgiven the treasurer; and lord chancellor told him more to that purpose; that they told him no government was worth serving, that would let them make those adventages, and get such jobs.

One thing more is craved leave to be added,

That the treasurer was forced to use all his skill and credit to keep the House of Commons from examining this affair last parliament.

June the 12th 1712. The first session of last parliament ended

From this time, to the beginning of the next session, the treasurer's hands were full of negotiating the Peace in all courts abroad; and besides the ordinary and necessary duty of his office at home, he had frequent occasion of calming the quarrels and grudges Mr Secretary had sometimes against lord Dartmouth, sometimes against lady Masham, and sometimes against the treasurer himself.

The second session of the last parliament began December the 7th, 1711.

This was attended with great difficulties and dangers, as well from the practices of the discontented here, as the designs carried on by Mr. Buys, prince Eugene, and Bothmar, in which designs concurred the emperor, and other states and princes who gained by the war.

This put her majesty under a sort of necessity to preserve the whole, and to take a method which had been used before, to create some new peers.

So many having been brought formerly out of the House of Commons of those who used to manage public affairs, it was proposed to Mr. Secretary, That if he would be contented to stay in the House of Commons that session, her majesty would have the goodness to create him a peer, and that he should not lose his rank.

The second session ended the 21st of June, 1712, and notwithstanding Bothmar's memorial, and all other attacks both from abroad and at home, supplies were provided, and every thing relating to the public put upon a good foot; and the malecontents began to despair, as appeared by the duke of Marlborough retiring abroad, and other particulars.

After the session was ended, the queen, as she had promised, ordered a warrant for Mr. Secretary St. John to be a viscount; this happened to put him in the utmost rage against the treasurer, lady Masham, and without sparing the greatest. It did avail very little to tell him how much he had got in place; for had he been created with the other lords, it would have fallen to his share to come next after lord Trevor; but the treasurer with great patience bore all the storm, of which lord Masham was often a witness of the outrageous speeches; and Mr. Moore very lately told the treasurer, that lord Bolingbroke said very lately to him, that he owed him a revenge upon that head

This discontent continued, until there happened an opportunity of sending him to France; of which there was not much occasion: but it was hoped, that this would have put him in good humour; which it did, until in October 1712, there were knights of the garter made. This created a new disturbance, which is too well remembered, and breaks out now very often in outrageous expressions publicly against all them malcontents [illegible] by the treasurer.

In November, on the death of duke Hamilton, he was much against duke Shrewsbury's going, for reasons very plain, which were then in negotiation; for before the last session of that parliament began, a new model was framed, or a scheme of ministry; which how they afterwards came to fall out, will appear in its due place.

The 3rd and last session began April the 9th, 1713; which was as soon as the peace was concluded, and could be proclaimed.

It is not decent to take notice, That during this whole negotiation, the treasurer was obliged by his own band, and his own charge, to correspond in all the courts concerned in the negotiation; and very often he had the good luck to set right several mistakes, and to obtain some things very little expected; but the only merit of this belongs to her majesty, the credit of whose favour brought it about, and gave power to the treasurer to act with success.

During this session, the lords of the cabinet, and others, met every Saturday at the treasurer's, in order to carry on the queen's business, as they had done the year before on Thursdays. Many offers were made, and repeated by the treasurer, in order to attack former offenders, and quiet the minds of the gentlemen, and of the church party; and the only reason for this failing, was, because of the project laid for their new scheme, and putting themselves at the head, as they called it, of the church party.

This being the last session of parliament, and some gentlemen fearing their elections, and, some for other reasons, dropt the bill of commerce.

The treasurer saw this opportunity, and immediately took it, and prevailed with sir Thomas Hanmer, and others, to come into the payment of the civil list debts, incurred before the change of the treasury, though the present treasurer was railed at, and maligned; which he chose to bear patiently, rather than own the true reason, that there was no money to do it with, which would have ruined all at once.

This step of paying the debts, put the malecontented into the utmost rage, which they did very publicly express in both Houses.

This last session of that parliament, and the third since the change at the ministry, ended July the 16th, 1713.

The peace with France being over, and it growing necessary to put her majesty's affairs into a further and more settled regulation, and to ease the treasurer of the burthen, as well as envy, of such a bulk of business; her majesty was pleased to approve of the scheme of the duke of Ormond's staying here to attend the army affairs, which was necessary at the time of disbanding; duke Shrewsbury to go to Ireland, upon his return from France; lord Findlater to be chancellor of Scotland; lord Mar third secretary; lord Dartmouth privy seal, and Mr. Bromley secretary of state, [illegible] Wyndham Chancellor of the

Exchequer. I am sure the queen very well remembers the rage this caused, as perfectly defeating their scheme, and shewing that her majesty would put her affairs on a solid foot; the lord chancellor said it was against law, and to this day will not treat lord Findlater with decency; and lord Mar has met with many ill treatments as well as Mr Secretary Bromley.

But that the treasurer might leave them without excuse, and make her majesty's affairs, if possible, easy with and to those in her service: as soon as he was recovered enough to write, he wrote a large letter to lord Bolingbroke, containing his scheme of the queen's affairs, and what was necessary for lord Bolingbroke to do, as belonging only to his province. This letter was dated July the 25th, 1713, and was answered July the 27th, by lord Bolingbroke; the copy was shewn to lady Masham, who came to visit the treasurer then confined to his chamber; and she then thought it was a very good one, and what was proper for the occasion. I believe the whole would be of use to give light to her majesty into the ground and foundation of the follies and madness which have since appeared; the whole is ready for her majesty's perusal when she pleases.

In this letter the treasurer gives an account to lord Bolingbroke of the occasions, or rather the pretences, for giving disturbance to the queen's servants. He proposes the remedy, and what was requisite to be done by him as secretary in his own province, and also assurance of the treasurer's assistance to the utmost, and of his desire to consult with him (lord Bolingbroke) how to unite the rest of our friends.

Being then sick, the treasurer took the liberty to put lord Bolingbroke in mind of the several particulars which then required dispatch, and were solely belonging to his province, without any other interposition than that of taking your majesty's direction.

Amongst others, that of a circular letter upon the addresses of both Houses relating to the pretender.

This was not done in three months. His lordship wrote word it was done July the 27th.

In the same letter the treasurer proposed, that (according to the treaty of peace) care should be taken of the following particulars, viz. Newfoundland, Hudson's-bay, Acadia, St. Christophers, Assiento, and other things contained in the treaties of commerce.

These particulars the treasurer thought to have been executed, until within a few weeks he heard the contrary by accident, and that the time in the several treaties was elapsed. Upon this, the treasurer, on Wednesday, June the 2d, told Mr Moor of this, and that every body would be liable to blame who are in the queen's service. Thursday, June the 3d, 1714, lord Bolingbroke writes to the treasurer a letter which begins thus.

Mr. Moor has been this morning with me, and has put into my hands a paper, which he calls, I think, not improperly, a charge upon me.

This paper contains the neglect above-mentioned in the treasurer's letter of July the 25th, 1713, eleven months before; and yet these faults are now charged upon the treasurer.

The Committee cannot but observe, that his lordship has here taken to himself the credit of corresponding by his own hand, and his own charge, in all the courts concerned in the present negotiations, and that very often he has had the good luck to set right several mistakes, and to obtain some things very little expected. That he boasted of his laying hold of a seasonable opportunity in parliament, upon rejecting the bill of commerce, to prevail with members of that House of Commons to come into the payment of the Civil List Debts. and has also charged several persons, then in high stations in her majesty's service, with corruption and imbezzlement of the public money; and presumed to recommend himself to her majesty, by having used all his skill and credit to keep the House of Commons from examining into the same. And your Committee having received information, that large sums of money had been directed for special services relating to the war, by signs manual and warrants upon the same, countersigned by his lordship, which sums were afterwards paid to his lordship's order; your Committee thought it incumbent upon them to lay before the House, copies of the said signs manual, and warrants, and orders thereupon, together with extracts from the register of the exchequer; whereby it will appear, that these large sums, issued for the service of the war, were received and applied to his lordship's private use.

Your Committee in drawing up and forming this Report, having observed several transactions, orders, and directions, given by the ministers in the queen's name, which are in no manner agreeable to her majesty's sentiments and intentions, as expressed in her several messages to parliament, and speeches from the throne, concerning the terms of peace which she was pleased to communicate to both Houses; thought it their duty to enter into a particular examination of this matter, and to compare her majesty's declarations with the measures that her ministers presumed to take in carrying on these important negotiations.

The first time that the queen made any mention of the peace to the parliament, was on December 11, 1711, at which time nothing had been concluded between England and France, but the special preliminaries that were signed by the earl of Dartmouth, and Mr. St. John, on the part of England, and M. Mesnager on the part of France, Sept 27th, 1711, and the general preliminaries signed by M. Mesnager only, which were sent over by the earl of Strafford, as the foundation of a general peace. After these preliminaries were signed, Mr St. John had pressed M de Torcy, that the king of France would explain himself with regard to the allies; begs that the queen may have some

explication of his intentions in respect to the particular interest of the allies, and concludes with saying, If the Sieur Gaultier returns with these marks of confidence, you will see our parliament as much inclined to peace as ever it was to war.

Such explications as the King of France thought fit to make, are contained in the answer to the memorial brought by M. Gaultier, Nov. 18, 1711, inserted in the Appendix. Upon which her majesty, at the opening of that session, in laying before the parliament the state of the treaty then on foot, according to the Advice and Representation made to her by her ministers, said, "That notwithstanding the arts of those who delight in war, both place and time are appointed for opening the treaty of a general peace. Our allies, especially the States general, whose interest I look upon as inseparable from my own, have, by their ready concurrence, expressed their confidence in me." The queen thought the States had readily concurred with her; but it must be remembered, that the States had in the strongest manner represented against the propositions signed by M. Mesnager, as two general and uncertain, not being a sufficient foundation upon which a negotiation might be hazarded; they dreaded the fatal consequences of opening the general conferences, before the articles offered by France were made specific, and before they knew what they were to trust to for their own barrier and their commerce. These representations were made in Holland to the earl of Strafford, and Mr. Buys was sent over into England to enforce them here.

But instead of acquainting the queen with these representations, or acting according to her majesty's sentiments, Mr. St. John, Oct. 9th, declares, "Certain it is, that her majesty is so far determined in her measures, that those will deceive themselves who may imagine by delay to break them." And Oct. 29th, "The queen remains firm in her first resolution, of causing the conferences to be opened upon the articles signed by M. Mesnager." And Nov. 2d, "The queen will not finally concert a plan for the prosecution of the war with the States, until they join with her in agreeing to open the conferences of peace." And Nov. 15th, lord Strafford says, he had now told them her majesty's order to him was to declare, that she should look upon any delay as a refusal to comply with her propositions. By these threats and extraordinary measures, the States are compelled by the queen's ministers, to consent to open the conferences when at the same time her majesty was persuaded, that they readily concurred in what had been proposed to them. Her majesty declares, she looks upon the interest of the States general to be inseparable from her own. Mr. St. John declares, That Britain had gone so much too far in weaving her interest into that of the continent, that it would prove no easy task to disentangle them without tearing and rending.

The queen says further, 'That princes and 'States which have been engaged with us in 'this war, being by treaties entitled to have 'their several interests secured at a peace, I 'will not only do my utmost to procure every 'one of them all reasonable satisfaction, but I 'shall also unite with them in the strictest en-'gagements for continuing the alliance in 'order to render the general peace secure and 'lasting.' And in her message of the 17th January following, her majesty again expresses 'the care she intended to take of all her allies, 'and the strict union in which she proposed to 'join with them.'

By these declarations it appears, her majesty's own resolution was to unite with the allies in the strictest engagements. But her ministers had taken upon them, in the private propositions sent over by Mr Prior, to insert an article, that the secret should be inviolably kept between England and France, till allowed to be divulged by the consent of both parties. And although France, in the first propositions sent over by M. de Torcy, had offered to treat with England and Holland, either separately or jointly with the rest of the allies, in the choice of England, the queen's ministers excluded the allies, and in the conference held with M. Mesnegar, they are much surprised to find that he had orders to insist, that the queen should enter into particular engagements, upon divers articles, which depend not upon her, and which regard the interest of the allies: And they insist that it was absolutely necessary to remit the discussion of the particular interests of the allies to general conferences. And when Mr. St. John was pressing M. de Torcy to give them some explications of what was designed for the allies, he assures him, "If the king would offer a plan of specific preliminaries, the queen will never communicate it to her allies." And upon another occasion, he declares 'this negociation was begun and carried on, upon a supposition 'that the queen must desist from many conditions 'which in rigour she was obliged to procure for 'her allies'

In the message of the 17th of January the queen declares, 'Her plenipotentiaries had 'begun, in pursuance of their instructions, to 'concert the most proper ways of procuring a 'just satisfaction to all in alliance with her, ac-'cording to their treaties, and particularly 'with relation to Spain and the Indies.' And her majesty had said before, in answer to an Address from the House of Lords, presented 11th December, 1711, 'I should be sorry any 'one could think I would not do my utmost 'to recover Spain and the Indies from the house 'of Bourbon.

Your committee cannot make the least doubt but her majesty was determined to recover Spain from the house of Bourbon. But that her ministers had no such thoughts, and did not in the least endeavour it, appears in every part of the negociation, In the first propositions sent over by Mr. Prior, demands are made of the king of France, to be performed by the king of Spain, which the king of France was to

engage for. And as appears by an entry in lord Strafford's book, Mr. Prior had orders to see if they had full powers from Spain. In the special preliminaries, an acceptation whereof was signed by the earl of Dartmouth, and Mr. St. John, September 27th, 1711, it is said expressly, the king promises, in the name of the king of Spain his grandson, and according to the powers which his majesty has received from that prince, that Port Mahon and Gibraltar shall remain to the English. These steps had been taken by the queen's ministers, even before her Majesty had made these declarations; which the committee cannot therefore but conclude her majesty was not informed of. And although the queen's plenipotentiaries were obliged by their instructions to insist, that Spain and the West Indies should not be allotted to any branch of the House of Bourbon, when the plenipotentiaries of France, on the 11th February, 1711-12, gave in their specific explanation of the general preliminaries, signed by Mr. Mesnager, the king of France made his first offers in the name, and by virtue of powers from his grandson king Philip, as king of Spain. On 4th March, 1711-12, at a meeting of the ministers of the allies at Utrecht, where they were to communicate to each other their respective demands; count Zinzendorff insisted, that the restitution of the whole Spanish monarchy should be expressly mentioned upon which occasion it appears, by a letter from the English ministers of the 6th March, that they were the only ministers that did not make any mention at all of Spain, and that they were sensible of the disadvantageous consequences of being so; but being desirous to take off this odium, they make a general declaration concerning the just and reasonable satisfaction for the queen's allies, in conformity to their alliances; and humbly hope what was said will not be found contrary to what has been hitherto declared.

All the attempt that the queen's ministers ever made towards obtaining this great point, which, her majesty declares, she should be sorry any one could think she did not do her utmost to procure, was to demand assurances that the crowns of France and Spain should never be united. The method of preventing this union was never mentioned by the queen's ministers in order to be treated of, nor the sense of France and Spain ever asked upon it till the latter end of March, 1712.

In this message her majesty further adds, 'The world will now see how groundless those 'reports are which have been spread abroad 'by men of evil intentions to serve the worst 'designs, as if a separate peace had been treated, 'for which there has not been the least colour 'given.'

In this declaration, her majesty is advised by her ministers, in order to clear them from the just suspicions which all the world had conceived of the separate measures they were engaged in, not only to declare there had not been the least colour given for such jealousies, but to brand all that entertain such apprehensions, with the character of men of evil intentions, that had the worst designs to serve. But that most just cause had been given for these reports is sufficiently evident from what was just now observed. The ministry had insisted that the secret should be inviolably kept between England and France, exclusive of all the allies. A separate negociation between England and France had been carried on by papers sent backward and forward, and much time spent therein, as is said in lord Strafford's instructions. Mr. Prior had been sent into France, and Mr. Mesnegar had been in England, and not the least communication was given for five months together to any of the allies of these transactions, which were depending from April 1711, to September following, from the time that the first proposals, signed by M. de Torcy, were sent to the States, till the seven general preliminaries, signed by Mr Mesnegar, were communicated to them. When these general preliminaries were signed, which were sent over as a foundation to open the general conferences, a set of special preliminaries between England and France was signed on both parts, which were concealed, publicly disowned, and never appeared till this inquiry; and all these transactions had passed, however disguised to her majesty, before the time that her ministers advised the queen to impose so grossly upon the nation, as to declare in parliament, there had not been the least colour given for these surmises.

Her majesty is advised here to declare, that to report that a separate peace had been treated, proceeds from evil intentions, and to serve the worst designs. But your committee observe, that after this declaration of the queen's her ministers propose to France, agreed with France, and sent positive and repeated orders to the queen's plenipotentiaries, not only to treat, but to conclude a separate peace, with France. On the 20th June, 1712, Mr. St. John acquaints M. de Torcy, the queen will make no difficulty to conclude immediately a separate peace with France, leaving the allies a time wherein they may have liberty to submit to such conditions as shall be agreed upon between the queen and the most christian king. "In Answer to this M. de Torcy tells Mr. St. John, upon condition the queen does immediately make a separate peace, and keep no measures with her allies, the king has determined to send his orders to permit the English troops to enter into Dunkirk. On 12th July, 1712, Mr. St. John thinks the queen in a condition not to lose a moment's time in concluding with the ministers of France the convention for a general suspension of arms both by sea and land, and even the treaty of peace between Britain and France. And on the 4th August, 1712, M. de Torcy acquaints Mr. St. John, that the king consented to the duke of Savoy's having Sicily upon certain conditions, wherein one express condition is, that a peace be concluded between England, France, Spain, and

Savoy. And at last, when the treaty drew near to a conclusion, and almost all the allies were ready to sign, on the 20th February, 1712 13 positive orders are sent to the British plenipotentiaries to conclude and sign with France, and on the 28th lord Bolingbroke repeats his orders to the British plenipotentiaries to conclude and sign with France; and acquaints them, the duke of Shrewsbury had declared, That their lordships had orders, in case the French complied, as they now have actually done, to sign her majesty's peace with France without further delay; and that his grace had also declared, that in this case her majesty would open the parliament, by telling them that she had made a peace with France: these two considerations, his lordship says, were perhaps, the most prevalent inducements to the French court to come roundly into her majesty's propositions.

Your Committee think they cannot close this head better than with repeating a passage from one of lord Bolingbroke's letters to Mr. Prior, wherein he says, "If such overtures as these were not instantly accepted, our separate peace would, sitting this parliament be addressed for, made, approved, and the cause of France for once become popular in Great Britain.'

On the 6th June, 1712, the queen says, I am now come to let you know upon what terms a general peace may be made.

On the same day, lord Bolingbroke acquaints M. de Torcy, that though the king of France had not answered the queen's demands according to expectation, the queen would not defer going that day to parliament, and making all the declarations that were necessary to render the nation unanimously inclined to the peace.

The queen says, 'The difficulties had been 'increased by other obstructions, artfully con- 'trived to hinder this great and good work.' Whereas it is notorious, that the ministers had received but the day before, the account that king Philip had consented to make the renunciation, upon which account only the queen's speaking to the parliament had been deferred.

The queen says, 'I have not omitted any 'thing which might procure to all our allies 'what is due to them by treaties, and what is 'necessary for their security.'

Lord Bolingbroke, on the very same day, in his letter to M. de Torcy, says, "lord Strafford is going back to Utrecht; and the instructions he is to carry will put the queen's plenipotentiaries in a condition to keep no longer those measures to which they have hitherto been obliged to submit; but from henceforth they may openly join with those of France, and give law to them who will not submit to just and reasonable conditions."

The queen says, 'Nothing has moved me 'from steadily pursuing in the first place the 'true interest of my own kingdoms.'

Lord Bolingbroke just before, on the 24th of May, had proposed to M. de Torcy, that the queen being much more intent upon the general peace, than any particular advantages, commissaries should be appointed to settle, after the peace, such points relating to trade, as required a longer discussion than the present crisis would admit.

The queen says, 'That to prevent the union 'of the two crowns, she would not be content 'with what was speculative, but insisted upon 'something solid.' Although M de Torcy had before declared to the queen's ministers, That to accept of this expedient which they proposed, would be to build upon a sandy foundation.

The queen says, 'The nature of the proposal 'for a renunciation is such, that it executes 'itself, and that France and Spain are thereby 'more effectually divided than ever.' But M de Torcy had before assured the queen's ministers, "That this renunciation would be null and void, by the fundamental laws of France; and they would deceive themselves who accepted of it as an expedient to prevent the union of the two crowns.

The queen says, 'Provision is made, that 'the same privileges and advantages as shall be 'granted to any other nation by France, shall 'be granted in like manner to us' But it appears by a letter of lord Bolingbroke's, in January following, to the duke of Shrewsbury, that France refused to let our trade stand upon the foot of 'gens amicissima,' declared the tariff 1664, which was granted to the Dutch, except the four species, was too beneficial for us; and refused to grant it until another tarif should be made in Great Britain exactly conformable to that of 1664, whereby our duties would be reduced as they are in France by that tariff.

As to our commerce with France, the queen says here, June the 6th, 1712, 'It was in a ma- 'nner of being settled.' And Mr. Prior says of it in May following, near a twelvemonth after, "We had like to have made an Athanasian business of it at Utrecht, by that explanation of our own way of understanding our own commerce. Their letters to you, full of surmises and doubts, that all was unhinged; and their letters to us again, that explanations, however made, were only to save appearances, and signified nothing: this 'mesaige,' I say, and my endeavouring to understand it, had like to make me run mad, if the duke of Shrewsbury's extreme good sense, and M. de Torcy's not only honest but right understanding, had not redressed us."

The queen says, "The French consented to "deliver up Newfoundland and Placentia." But it must be remembered, that in the preliminaries signed in September preceding, the French had reserved to themselves a liberty of taking and drying fish in Newfoundland."

The queen says, 'An absolute cession was 'to be made of Nova Scotia or Acadia.' But cape Breton, which was always understood to be, and is so declared by the queen's instructions to the duke of Shrewsbury, to be part of Nova Scotia, is already given up to France,

The queen says, 'The trade to Spain and the West Indies may in general be settled, as it was in the time of the late king of Spain, 'Charles the Second.' But when the project of the treaty of commerce came from Madrid, lord Bolingbroke says of it, "They had sent a blind, lame, misshapen, indigested monster, instead of that fair offspring which we had reason to expect from our candour."

If all the other parts of this speech be strictly examined, it will be found that the ministry did so grossly deceive the queen, in order impose upon the parliament by her authority, that there is scarce a paragraph that does not contain some unfair, or at least equivocal representation of the state of the negotiations. And when the queen was advised by her ministers to make this communication to parliament, as the terms upon which a general peace might be made, it is very evident, they had no assurances that France would make good what they prevailed upon the queen to declare in so solemn and public a manner. For on June the 11th, the bishop of Bristol is directed by Mr. St John to discourse with the ministers of the allies, agreeably to the plan contained in her majesty's speech; but before his lordship makes this step, Mr. St. John tells him, "It will be proper that he speaks first with the French plenipotentiaries upon this subject, whether they will be willing, and in what manner they will be willing to give this communication to the allies." In answer to which, the bishop of Bristol writes word, June 23th that the French plenipotentiaries declared they had no such orders, and without them they could not do it; And in this refusal of owning the queen's speech, as containing their master's offers, and in absolutely denying to treat upon it, the French plenipotentiaries persevered, even after the Dutch had consented to treat upon that plan, and to accept the queen's speech *pro materia tractandi*.

[The Committee having proceeded thus far in the perusal and examination of the books and papers referred to them, thought it not proper to defer this report until they had perfected what remains, especially upon the affairs of Dunkirk and the Assiento: In which they have made such a progress, that they hope they shall in a short time be able to lay them before the House]

APPENDIX.

No 1.

The FIRST PROPOSITIONS *of France, dated April* 22, 1711.

As it is not to be doubted but the king is in a condition to maintain the war with glory, so it cannot be esteemed a sign of weakness, that his majesty breaks the silence that he has kept since the separation of the conferences of Gertruydenberg; and that before the opening of the campaign, he still gives new proofs of the desire that he has always preserved to procure the re-establishment of the repose of Europe: But after the experience he has made of the sentiments of those who now govern the republic of Holland, and of their industry to render the negotiations fruitless, he is willing, for the public good, to address to the English nation the Propositions that he thinks fit to make to end the war, and firmly to secure the general tranquility of Christendom

It is with this view, that the king offers to treat of peace upon the basis of the following conditions.

1. That the English shall have real securities to exercise their commerce hereafter in Spain, to the Indies, and in the ports of the Mediterranean.

2. The king will agree to form in the Low Countries a sufficient barrier for the security of the republic of Holland and this barrier shall be agreeable to England, and to the good liking of the English; his majesty promising at the same time an intire liberty and security for the commerce of the Dutch.

3 Reasonable means shall be sincerely and *bona fide* sought out for, to satisfy the allies of England and Holland.

4. As the good state of the affairs of the king of Spain furnishes new expedients to end the difference touching that monarchy, and to regulate it to the content of the parties interested, sincere endeavours shall be used to surmount the difficulties raised on this occasion, and to secure the state, the commerce, and generally the interests, of all the parties engaged in the present war.

5. The conferences to treat of the peace upon the basis of these conditions shall be immediately opened; and the plenipotentiaries that the king shall nominate to assist thereat, shall treat with those of England and Holland alone, or jointly with those of their allies, at the choice of England.

6. His majesty proposes the cities of Aix la Chapelle and Liege for the place where the plenipotentiaries shall be assembled, referring it to England to choose one of those two cities to treat therein of the general peace. Given at Marli the 22nd day of April, 1711.

DE TORCY.

No. 2.

Private PROPOSITIONS *sent by* —— *from England, dated Saturday the* 1st *of July* 1711.

That the man was to be sent over to-morrow for a final answer. That we would make no peace but what should be to the satisfaction of all our allies; That the Dutch should have a barrier, the emperor one for their security, and the duke of Savoy one; and that he should have restored all that was put into his possession by the emperor; and that the French should restore all they had taken from him

and that he should have what other addition should be thought proper; and that care should be taken to keep the balance in Italy; and that we should have positive assurance that the crowns of France and Spain should never be united.

That all our allies should be satisfied according to their agreements and treaties with us.

That the trade of Holland should be secured.

In Relation to GREAT BRITAIN *in particular.*

That our trade and commerce should be settled and agreed on such a foot, as will be to the satisfaction of the subjects of Great Britain.

That the government should be acknowleged in France, as it is now settled in Great Britain

That Gibraltar and Port Mahon should continue in the possession they now are in.

That Dunkirk should be demolished.

That the Assiento should be entirely in the hands of Great Britain; and that France, nor no other, should pretend to meddle in it, but Britain enjoy it after the peace as the French do now.

That Newfoundland should be intirely given up to the English; that the trade of Hudson's bay should continue in the hands of the French and English, as they are now.

And that all things in America should continue in the possession of those they should be found to be in at the conclusion of the peace.

That all advantages, or liberty of commerce that has been or shall be granted to the French by the Spaniards, shall be equally granted to the subjects of Great Britain.

That the secret shall be inviolably kept, till allowed to be divulged by the mutual consent of both parties concerned.

Pr was sent to France the day of July, 1711, bind n power signed by the queen, and ordered to return if they made difficulties, and to see if they had full powers from Spain.

N. He was met by Bussi, he told at Dover he met one going to France strait from the river. Bussi coming without n pass was taken up, and the people desired to inspire.—*Ed.*

No. 3.

LETTER *from Mr. Secretary St. John to the Queen, dated Sept.* 20*th*, 1711.

Madam; The lords of the committee of council met this morning at the Cockpit, and directed the earl of Dartmouth and myself to confer with Mons. Mesnager.

We saw him accordingly this evening at Mr. Prior's house, where my lord treasurer and my lord chamberlain were likewise present.

He has put into our hands the answer signed by the king of France to the demands last sent over by your majesty's order, and this answer complies with every article, except the 8th, relating to North-America; we find however, that we shall be able to compound this point, in the manner which your majesty some time ago resolved to pass it in, provided France gave you satisfaction upon the 7th article, as she has now entirely done.

The propositions which are to be sent into Holland, as the foundation of a general treaty, we have likewise received from him, and that which was thought the most liable to objection, has been very much mended. My lord treasurer having however proposed some further alterations, in order to make the whole the more palatable abroad, and Mons Mesnager seeming inclined to agree to them; I am this night to draw them into form for my lords of the council to consider to morrow morning.

Thus, madam, being the present situation of the treaty, your servants are unanimously of opinion, that the warrant and full powers should be prepared this night, and transmitted to your majesty; by which means, if it be your pleasure, the latter may pass the great seal to-morrow.

It is now so extremely late, and I have so much business to do, which must of necessity be got ready by morning, that the whole night would not suffice, if I was to ingross the instrument in my own hand writing; I therefore make use of a clerk to transcribe them, but it is the same who has copied all the papers which have passed in the course of this negotiation.

There comes an exact translation of the full powers in this packet; the words of which are very ample and extensive, but they are agreeable to the form used by your majesty upon such occasions.

My lord treasurer moved, and all my lords were of the same opinion, that Mr. Prior should be added to those who are impowered to sign; the reason for which is, because he having personally treated with Mons. de Torcy, is the best witness we can produce of the sense in which the general preliminary engagements are entered into; besides which, as he is the best versed in matters of trade of all your majesty's servants who have been trusted in the secret, if you shall think fit to employ him in the future treaty of commerce, it will be of consequence that he has been a party concerned in concluding that convention, which must be the rule of this treaty. The rest of the plenipotentiaries are all those who have the honour to sit in your majesty's cabinet council, which my lords understood to be your majesty's pleasure.

The Ostend mail which arrived last night, brought no news.—I am, with the utmost respect, &c. H. ST. JOHN.

No. 4.

The ANSWER *of France to the Preliminary Demands for Great Britain more particularly.*

The king being particularly informed, by the last memorial that the ministers of great Britain returned to Mr. Mesnager, of the dispositions of that crown, to facilitate the general

peace to the satisfaction of all the parties interested in the present war, and his majesty plainly seeing, as the memorial sets forth, that he can run no risque by engaging himself in the manner therein expressed, since the preliminary articles will not have any effect before the signing of the general peace, desiring moreover very sincerely to do all that is in his power to advance the re-establishment of the repose of Europe, especially by a way so agreeable to his majesty as the interposition of a princess will be, whom so many ties of blood should unite with him, and whose sentiments for the public tranquility cannot be doubted. His majesty, moved with those considerations, hath ordered the Sieur Mesnager, knight of his order of St. Michael, deputy in the council of commerce, to give in writing the following answers to the articles contained in the memorial which was sent to him, intitled, Preliminary Demands for Great Britain more particularly

Preliminary Demands for Great Britain more particularly, with the King's Answers.

ART I The succession to the crown of these kingdoms, according to the present establishment, shall be acknowledged.—*Ans.* His majesty will acknowledge the queen of Great Britain in that quality, as also the succession to that crown according to the present establishment.

II. A new treaty of commerce between Great Britain and France shall be made, after a most just and reasonable manner.—*Ans.* The king consents to make a new treaty of commerce with Great Britain, after the most just, most reasonable, and most advantageous manner to France and Great Britain.

III. Dunkirk shall be demolished.—*Ans.* Though Dunkirk has cost the king very great sums of Money in purchasing as well as fortifying it, and that a very considerable expence will still be necessary to raise the works; his majesty is however willing to engage that they shall be demolished immediately after the conclusion of the peace, upon condition that an equivalent shall be given him to his own content, in lieu of the fortifications of that place; and as England cannot furnish the said equivalent, the discussion thereof shall be referred to the conferences held for the negotiation of the general peace.

IV. Gibraltar and Port Mahon shall remain in the hands of those who now possess them.—*Ans.* The king promises in the name of the king of Spain his grandson, and according to the power that his majesty has received from that prince, that Gibraltar and Port Mahon shall remain in the hands of the English who now possess them.

V The Assiento contract shall be made with the English after the same manner that the French now possess it; and such places in Spanish America shall be allotted to those interested in the said commerce, for the refreshment and sale of their negroes, as shall be thought necessary and convenient.—*Ans.* The English shall have, after the peace concluded, the treaty of negroes of Guinea to the West Indies, alias, the Assiento contract, upon the same conditions that that convention was made by the king of Spain with the French: So that the company which will be established for this effect in England shall have the prerogative of refreshing, vending, and selling, their negroes, in all the places and ports of America upon the North sea, in that of Buenos Ayres, and generally in all the places and ports wherein the importation was permitted to the ships of the company formed in France under the name of the Assiento.

VI All the advantages, rights and privileges, which are already granted, or which shall hereafter be granted, by Spain to the subjects of France, or of any other nation whatsoever, shall be likewise granted to the subjects of Great Britain.—*Ans.* The king promises, for himself, and for the king of Spain, pursuant to the power which is in his majesty's hands that this article shall be granted in case the peace be concluded, as the foregoing, and that it shall be punctually executed

VII. And for the better protecting the commerce in the Spanish America, the English shall be put in possession of such places as shall be named in the treaty of peace.

France having offered a real security for the commerce of the subjects of the queen of Great Britain in the Spanish America, it was never doubted but France thereby meant some places; and we have been confirmed in this opinion, since France hath proposed Gibraltar as a security for the commerce of Spain and of the Mediterranean. The advantages and the privileges offered by the Sieur Mesnager, are not to be regarded as real securities, because, it will always be in the power of Spain to resume them. Therefore it is believed that France is obliged, either to cause to be yielded to Great Britain the places demanded in this article, or to procure it new advantages, such as the love of peace may make it accept as an equivalent. Upon which we think ourselves obliged to insist, that this minister be furnished with a sufficient power. And further, to testify the sincerity wherewith we treat, and the desire that her majesty of Great Britain hath to advance the general peace; she hath thought fit to declare, that the difficulty arisen upon this article may be removed, in granting to her the following articles.

That the Assiento contract be made with Great Britain for the term of thirty years.—*Ans.* Though the king of Spain, in the beginning of his reign, was inclinable to favour the French nation, having occasion for supplies of money to relieve his country from an impending war; this prince, notwithstanding these considerations, granted but for ten years to the French, the privilege of the

treaty of negroes it would be very much in favour of the English to leave in their hands for twenty years a prerogative, which it seems all the nations of Europe would each enjoy in their turn. Yet the king promises, that the king his grandson shall yield to the English, during thirty years successively, the treaty of negroes of Guinea to the West Indies, alias, the Assiento contract, upon the same conditions, prerogatives, and privileges, granted to the French company, and which they enjoyed, or ought to have enjoyed, since the first of May, 1702, to this time.—The king shall grant this article.

That the whole Island of St. Christophers be secured to Great Britain.

That the advantages and exemptions of duties promised by the Sieur Mesnager, and which he pretended amounted to 15 per cent. profit upon all merchandizes of the growth and manufacture of Great Britain, be effectually granted to that kingdom.—*Ans.* His majesty promises likewise, in the name of the king of Spain, the advantages and exemptions of the duties whereof mention is made in this article; and which the English shall enjoy immediately after the conclusion of the peace, at the exchange of the ratifications.

Great Britain may refresh their negroes at Jamaica, and there make a distribution of those whom they shall send to Vera Cruz, Porto Bello, and other factories in that part of the Indies: But as on the side of the river de Plata, they have no possession of any colony, they demand that there be assigned to them in that river, some extent of land, upon which they may not only refresh their negroes, but keep them safe until they be sold to the Spaniards. And as no artifice is intended in making this demand, they will submit themselves, in this respect, to the inspection of the officer that shall for this purpose be named by Spain.—*Ans* The general peace being made, there shall be assigned to the English company of Assiento an extent of land in the river de la Plata, upon which they may not only refresh their negroes, but keep them safe till they be sold, according to the conditions which shall be stipulated by the convention which is to be passed for the Assiento; and to hinder any abuse of this permission, the king of Spain shall name an officer to intend the affair, to whose inspection the interested in the said company, and generally all those they shall employ in their service, shall submit themselves.

VIII. Newfoundland, the bay and streights of Hudson, shall be entirely restored to the English; Great Britain and France shall respectively keep and possess all the countries, dominions, and territories in North America, which each of those nations shall possess at the time that the ratification of this treaty shall be published in those parts of the world.—*Ans.* The discussion of this article shall be referred to the general conferences of the peace, provided that the liberty of fishing and drying of cod-fish upon the isle of Newfoundland be reserved to the French.

In the execution of the orders of the king, we the underwritten knight of his order of St. Michael, deputy to the council of commerce, have adjusted the present answers to the preliminary demands for Great Britain, in number eight articles, by virtue of the power of his majesty, of which we have furnished a copy signed with our hand, and promise in the name of his said majesty, that the said answers shall be looked upon as conditions that he agrees to grant, of which the articles shall be reduced into the ordinary form of treaties, and explained after the most clear and most intelligible manner, to the common satisfaction of France and Great Britain. And this in case of the signing of the treaty of the general peace. In witness whereof we have signed, and put the seal of our arms. Given at London, 27 Sept. (8 Oct.) 1711.

(L. S.) Mesnager.

The most christian king, having testified to the queen the sincere desire that he has to see the general tranquility of Europe re-established by a definitive, sure, and durable peace, agreeable to the interest of all the allies; and having desired that the queen would advance the negociation of such a peace; it hath been thought just and reasonable, that the interests of great Britain should in the first place be adjusted and secured. For this end the most christian king having sent the Sieur Mesnager, knight of the order of St. Michael, and deputy to the council of commerce, he hath adjusted the above mentioned articles, in number eight, by virtue of the power of his most christian majesty, whereof he has supplied us with a copy signed with his hand; which articles we the underwritten declare, by virtue of an express order from her majesty, that she does accept as preliminary articles, which only contain such securities and advantages as her majesty thinks she may in justice expect, what prince soever he be, to whom the monarchy of Spain shall be allotted. And these articles are to be looked upon as conditions that his most christian majesty agrees to grant; which articles shall be reduced into the usual forms of treaties, and explained after the most clear and most intelligible manner, to the common satisfaction of Great Britain and France. And this only in case of the signing of the general peace. In witness whereof we have signed, and put the seals of our arms. Given at London, 27 Sept. (8 Oct.) 1711.

(L. S.) Dartmouth
(L. S.) H. St. John.

No. 5.

Warrant to Lord Keeper, for affixing the Great Seal to a Commission for signing a Treaty with Mesnager.

(L. S.) Anne R. Endorsed—Not used. Our will and pleasure is, that you forthwith cause our great seal of Great Britain to be af-

fixed to an instrument bearing date with these presents, whereof you have a copy hereunto annexed; containing our commission to you our keeper of our Great seal, and others therein named, to treat with the sieur Mesnager, sent hither with full power from the most christian king, concerning the interests of us and of our kingdoms; and to conclude and sign a conditional, or eventual treaty, for settling and securing the same. And for so doing this shall be your warrant. Given at our castle at Windsor, this 17th day of September, 1711, in the tenth year of our reign.—By her majesty's command.

To our right trusty and well beloved Counsellor Simon Lord Harcourt, our Keeper of our great seal of Great Britain.

TRANSLATION *of the full Powers, annexed to the foregoing Warrant.*

Anne, by the grace of God, Queen of Great Britain, France, and Ireland, defender of the faith, &c. To all and singular to whom these presents shall come, greeting. Whereas the most christian king hath given us assurances, that he is ready to enter into a negociation for concluding a general peace, which may be agreeable to the interests of all the confederates, and hath invited us to promote the same: And whereas it is highly just and reasonable to agree, in the first place, concerning our affairs, and the advantages of our kingdoms, and to settle them by previous conditions, and some eventual treaty: and the most christian king having sent hither for that purpose the sieur Mesnager, knight of the order of St. Michael, and deputy to the council of commerce, fully instructed, and provided with sufficient authority; We likewise on our part have thought fit to name certain plenipotentiaries for the perfecting so necessary a work. Now know ye, that we reposing special trust in the loyalty, prudence, and skill, in the management of affairs, of our right trusty and well beloved counsellor Simon baron Harcourt, of Stanton Harcourt, our keeper of our great seal of Great Britain: our right trusty and right well beloved cousin and counsellor, Robert earl of Oxford and Mortimer, our high treasurer of Great Britain: our right trusty and right intirely beloved cousin and counsellor John Duke of Buckinghamshire, our president of our council; the right reverend father in God, and our right trusty and well-beloved counsellor, John lord bishop of Bristol, and keeper of our privy seal; our right trusty and right intirely beloved cousin and counsellor Charles duke of Shrewsbury, our chamberlain of our household; our right trusty and right well beloved cousin and councellor, John earl Poulet, our steward of our household; our right trusty and right well beloved cousin and counsellor William earl of Dartmouth, one of our principal secretaries of state; our right trusty and well beloved counsellor Henry St. John, esq., another of our principal secretaries of state; and our trusty and well beloved Mathew Prior, esq.; have named, constituted, and appointed, and do by these presents name, constitute, and appoint, them to be our true, real, and undoubted plenipotentiaries; giving and granting unto them full power and authority, with the aforesaid sieur Mesnager, being sufficiently impowered to this purpose by the most christian king, for us, and in our name, to meet and to treat of our interests, and of those of our subjects, which are to be settled by an eventual or conditional convention between us and the aforesaid most christian king. And we do likewise give unto them full power and authority to sign and to exchange such convention, and to do and perform all such other matters as may be necessary, in as full and ample manner as if we ourselves were present, promising upon our royal word, that we will make good all such things as shall, by our aforesaid plenipotentiaries, by virtue of these presents, be concluded; and that we will not at any time suffer the same to be broke, but on the contrary, that we will religiously and inviolable observe, and cause to be observed, the same. For the greater manifestation and strength whereof, we have ordered our great seal of Great Britain to be fixed to these presents, signed with our royal hand. Given at our castle of Windsor, 17th day of September, in the year of our Lord 1711. And the 10th year of our reign.

ANNE R.

No. 6.

WARRANT *for Lord Dartmouth, and Mr Secretary St. John, to sign the Preliminaries with France.*

(L. S.) Anne R.

Whereas we have seen and approved the paper hereunto annexed, containing the demands made by our order, for settling and securing the interests of these our kingdoms in a future treaty of peace, together with the answers of the most christian king thereunto, as also the form according to which the sieur Mesnager proposes to sign the said articles, and the declaration which is to be made on our part; we do therefore hereby direct, authorise, and impower you to sign the said declaration accordingly: and for so doing this shall be your sufficient warrant. Given at our castle of Windsor, this 25th day of September, 1711, in the 10th year of our reign. A. R.

To our right trusty and right well beloved cousin and counsellor, William earl of Dartmouth and our right trusty and well beloved counsellor, Henry St. John, esq. our principal secretaries of State. 27 Sept. (8 Oct.) 1711.

No. 7.

PRELIMINARY *Articles on the part of France to come to a general Peace.*

The king being willing to contribute all in

his power to the re-establishment of the general peace, his majesty declares,

1. That he will acknowledge the queen of Great Britain in that quality, as also the succession to that crown, according to the present establishment.

2. That he will consent voluntarily and *bonâ fide*, to take all just and reasonable measures to hinder the crowns of France and Spain from being ever re-united upon the head of one and the same prince, his majesty being persuaded that this excess of power would be contrary to the good, and to the general repose, of Europe.

3. The king's intention is, that all the parties engaged in the present war, without excepting any, may find their reasonable satisfaction in the treaty of peace to be made; that the commerce be re-established, and he hereafter supported to the advantage of Great Britain, Holland and other nations, which have been accustomed to exercise it.

4. As the king is also willing to maintain exactly the observation of the peace, when it shall be concluded; and that the view his majesty proposes to himself is to secure the frontiers of his kingdom, without troubling in any manner whatsoever, the neighbouring states, he promises to agree by the future treaty of peace, that the Dutch shall have in their hands the fortified places, which shall be specified, in the Low Countries, to serve hereafter as a barrier, which may secure the repose of the republic of Holland, against any attempt on the part of France.

5. The king also consents, that there be formed for the empire, and for the House of Austria, a sure and convenient barrier.

6. Though Dunkirk hath cost the king very great sums of money, as well to purchase as to fortify it, and that a considerable expence will still be necessary in order to raise the works thereof, his majesty is nevertheless willing to engage to cause them immediately to be demolished after the conclusion of the peace, upon condition that there be given him for the fortifications of that place, an equivalent agreeable, and to his own content: and as England cannot furnish the said equivalent, the discussion thereof shall be referred to the conferences to be held for the negociation of the peace.

7. When the conferences for the negociation of the peace shall be formed, all the pretentions of the princes and states engaged in the present war shall be *bonâ fide* and amicably discussed thereat, and nothing shall be omitted to regulate and to conclude them to the satisfaction of all the parties.

By virtue of the king's full power, we the underwritten knight of his order of St. Michael, deputy to the council of commerce, have, in his majesty's name, settled these preliminary articles. In witness whereof we have put to our seal. Given at London, 27 Sept (8 Oct) 1711

(L. S) MESNAGER.

Separate Articles.

The king promises to restore to the duke of Savoy, the dominions and territories which belonged to that prince at the beginning of the present war, and which his majesty now possesses: assuring further, that his said majesty will consent that, there be also yielded to the duke of Savoy such other places in Italy as shall be found agreeable to the sense of the treaties made between that prince and his allies.

By virtue of the full power from the king, whereof we have furnished a copy signed with our own hand, we the underwritten knight of his order of St. Michael, deputy to the council of commerce, have concluded this present preliminary article, and do promise, in the name of his majesty, that it shall be as duly executed, in case the general peace be signed, as if it had been inserted in the other preliminary articles by us this day adjusted. In witness whereof, we have signed the same, and affixed the seal of our arms thereunto. Given at London, 27 Sept. (8 Oct.) 1711. (L. S) MESNAGER.

No. 3.

Her Majesty's INSTRUCTIONS *to the Earl of Strafford, Ambassador, &c. to the States General. October* 1, 1711.

Upon your arrival in Holland, (whither you are to repair with all possible diligence) you shall take the first opportunity of conferring with the Pensionary, and of informing him, that we have sent you back as soon as some matters of the greatest moment were ripe and fit to be laid before our good friends and allies the States General

You are to represent to this minister, and to such others as shall be appointed to confer with you, That when we received, in the month of May last, by your dispatches to us, an account of the sense which those among them, who were at that time in the secret, had of the overtures made by France for setting a general negotiation of peace again on foot, and of the answer which it was desired might be returned to the propositions signed by M de Torcy, we did immediately acquaint the enemy, that their offers were thought by us, and by the States General, neither particular nor full enough, and therefore we did insist that they should form a distinct project of such a peace as they were willing to conclude

You are further to inform the Dutch ministers that this affair being transacted by papers sent backward and forward, and much time being lost in this dilatory method, we did at last think fit to send to the court of France, in order to have from thence some more certain account of the disposition towards peace, and of the terms on which they might be willing to make it.

That the French did hereupon send over a person with powers to treat and to settle some preliminary articles to a general negotiation; but that this person being neither fully instructed, nor sufficiently empowered, a still further delay was created, and it became absolutely necessary to allow him to send to his court for

more ample instructions; we being determined on our part, according to the desire of the pensionary, and of the other ministers, to leave nothing undone which might bring the French to be more direct and particular in their overtures.

You are to communicate to the pensionary and to the ministers you confer with, the paper herewith delivered to you, signed by M. Mesnager, an old acquaintance of theirs, and one with whom they have formerly treated; representing to them, that though the several articles do not contain such particular concessions as France must, and to be sure will make, yet they are in our opinion, a sufficient foundation whereupon to open the conferences.

That we were unwilling to take upon ourselves to determine the several interests of our allies, and did therefore resolve to content ourselves with such general offers as might include all the particular demands proper to be made in the course of the negotiation, during which it must be the most careful endeavour, and the fixed principle of all the confederates, to hold fast together, in order to obtain from the enemy the utmost which can be hoped for in the present circumstances of affairs. And this rule you may assure them, that we shall on our part firmly adhere to.

If upon this, or upon any other occasion, the ministers of Holland shall express their uneasiness, lest we should have settled the interests of these our kingdoms, in a future peace, by any private agreement; you are to say, that we have refused to suffer the treaty to be carried on in our own country, and that we shall still continue to do so, unless they constrain us to take another measure: that by this means, the Dutch, and all our allies, will have the opportunity and convenience of treating and adjusting their different pretensions, in promoting of which we shall exert all that zeal for the common good, and for their particular advantage, which we are sure they do us the justice to confess that we have shewn through the whole course of our reign.

You will further say, that you can take upon yourself to assure them, that we have made no stipulations for ourselves, which may clash with the interest of Holland; that those articles which we expect should be inserted in the future treaty of peace, for the particular interest of Great Britain, are for the most part such as contain advantages, which must either continue to the enemy, or be obtained by us. And also, that no concessions whatsoever can tempt us to embrace the blessing of peace, unless our good friends and allies the States General have all reasonable satisfaction as to their barrier, as to their trade, and in all other respects.

These assurances being given in our name, you are to insinuate strongly to the ministers of Holland, how just reason we should have to be offended, and to look on the proceeding between them and us as very unequal, if they should pretend to have any further uneasiness upon this head: and we being determined to accept of no advantages to ourselves, repugnant to their interests, nor of any peace which may not be to their reasonable satisfaction; that the figure which we have made through the whole course of this war, and the part which we have acted in it, superior to what any of the allies, even those who are nearest to the danger, and in interest most deeply concerned, have done, might justly entitle us, if we should so think fit, in the first place, to adjust and settle the particular concerns of Great Britain, before we should consent to set the general negotiation on foot.

If those engagements, which we are under by our treaties, of making no peace, but in concert with them, or the particular obligations of the barrier treaty, are objected to you, you are to say, as to the first, that we have not in any sort acted contrary thereto; that we are so far from making a peace without their concurrence, that we have declared our firm resolution not to make it without their satisfaction, and that all that has passed between France and us, amounts to no more than an introduction to a general negotiation: as to the latter, you will represent very earnestly to them how much it is for the interest even of Holland itself, rather to compound the advantages of the barrier treaty, than to insist upon the whole, since it is notorious, the House of Austria, and several other of the allies, are, and must necessarily continue, utterly averse to it; and since you may yourself assure them, upon the observation which you have made during your stay here, that nothing can be more odious to the people of these kingdoms, than many parts of this treaty; and that nothing has prevented that national, and universal indignation which would have broke out upon this occasion but the great care and industry which has been used to calm the minds of those who are acquainted with the terms of this guarantee, and to keep the same as secret as possible from those who are not yet apprised of them. You will expostulate further with the ministers of Holland, by shewing the absolute necessity of entertaining a good harmony between the two nations, upon which not only their mutual safety in a great measure depends, but without which, there can at no time be formed a strength sufficient to reduce any exorbitant power, and to preserve the balance of Europe; and upon this foundation, you will argue, that it is the true interest of neither country to insist on any conditions which may give just apprehensions to the other.

You are to acquaint them, That France proposes Utrecht, Nimighen, Aix la Chapelle, and Liege, as places in any one of which the conferences may with convenience be held; that we have refused to let the general treaty be carried on in our own country, and that we are ready to send our plenipotentiaries to such of these four towns as may be most agreeable to them.

You are to conclude your conference by desir-

ing that they will give all possible dispatch to the choice of a place of treaty, and that the passports to the French plenipotentiaries may be hastened, it being in our opinion of importance also to forward the progress of this great affair, that on our hand we may not be exposed to begin too late the preparations for the next campaign, nor on the other to put ourselves to an expence, which in case the general treaty proceeds, will be unnecessary.

And whereas not only the Dutch, but the imperial and other ministers, may perhaps deny the paper herewith delivered to you, to be a sufficient ground for opening the conferences upon; and may insist that France should consent to preliminary articles in the nature of those formed, and on the part of the allies signed in 1709; you are in the first place, besides what is in these your instructions before directed, to insinuate, that the French might very probably have been brought to explain themselves further had they not perceived the extraordinary uneasiness, impatience, and jealousy, which during their transactions with us, discovered themselves among our allies.

You are afterwards in our name, to declare to them, that if they are desirous to carry on the war, and determined to accept of no terms of peace inferior to those which have been formerly demanded, we are, on our part, ready to concur with them, and to continue to sacrifice the blood and treasure of our subjects, as we have hitherto done, for their greater advantage and security; but that we are in justice bound neither to deceive ourselves nor them; and do therefore, by you our ambassador and plenipotentiary, solemnly declare, that we can no longer bear that disproportionable burthen which has every year been encreased upon us, nor that deficiency which our allies in every part of the war are guilty of. That it is evident that the common effort must be still greater against the enemy than it is, or that there will remain no prospect of arriving at those ends which are proposed; that therefore it is incumbent on them, if the war be continued, to furnish for the future such quotas of ships and forces, as they are at this time wanting in, and to encrease their expence, whilst we reduce ours to such a proportion as in reason and in justice both should be settled at.

If on the part of the ministers of Vienna, and of Holland, their inability to do more than they have hitherto done, be urged in answer to you, our pleasure is, that you finish by saying that we think that we may justly insist that they should comply with us in war, or in peace, since in the former case we require nothing but what it belongs to them to perform, and what is essential to the success of our arms; and since in the latter we have done, and to the last shall continue to do, all that is in our power towards obtaining such a peace as may be to the satisfaction of all our allies. *A. R.*

Additional Instructions to the Earl of Strafford. October 2, 1711.

Whereas by an article in your instructions, bearing date the first instant, you are to conclude the conference which you shall have, upon your arrival at the Hague, with the ministers of the States General, by desiring all possible dispatch may be given to the choice of a place of treaty, and that passports for the French plenipotentiaries may be hastened: it is our further will and pleasure, that as soon as the said passports shall be promised, you do immediately give notice thereof, by a courier to the court of France; or if the States General shall desire it of you, that you do send the said passports to the Marquis de Torcy. *A. R.*

No. 9.

Extract from the Register of the Resolutions of their High Mightinesses the States General of the United Provinces, on Saturday the 24th of October, 1711.

It having been deliberated upon what the earl of Strafford, ambassador extraordinary and plenipotentiary of her majesty the queen of Great Britain, has represented to the counsellor pensionary Heinsius, in order to be communicated to their high mightinesses, and on the preliminary articles delivered on the part of France, to come to a general peace, also communicated to the counsellor pensionary Heinsius: It has been thought proper, and agreed upon, that the answer to be given to the earl of Strafford, shall be, that their high mightinesses, having examined the said articles with all possible attention, have found them couched in terms so general and obscure, as to deserve great consideration, and that they have strong apprehensions, that by entering upon them into a formal negotiation, the affairs of the peace will be subject to many delays, incertainties, and other great inconveniences, which their high mightinesses earnestly desire may be avoided, that a speedy, good and general peace may be the sooner come at. That for this reason their high mightinesses have ordered the Sieur Buys, who is going to England in quality of their envoy extraordinary, to communicate to her majesty their fears and thoughts upon this subject, and thereupon to represent to her majesty, That they judge it necessary in so important an affair, in which having themselves no other aim but the advancement of the common cause, and the mutual interests of both nations, they firmly rely upon the great wisdom, and the so much renowned zeal of the queen for the common good, that upon the representations to be made to her on this subject, she will be pleased to make such reflections, as the States believe an affair of so great consequence to the safety and the public good deserves: the said earl of Strafford is also desired, that he will be pleased to contribute to this purpose by his good offices.

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No. 10.

A Memorial *for M. Gaultier. Hampton-court, October* 29, 1711.

The queen has proposed by the earl of Strafford the opening of the conferences the States General answered, they did not look on the memorial her majesty had sent them as a sufficient foundation on which they might venture upon a negotiation Wherefore they had deferred proceeding any further in that affair with the said minister, until they knew what effect the remonstrances had, which Mr. Buys their envoy extraordinary was ordered to make to the queen thereupon.

The said envoy has represented to her majesty, That the States are ready to concur with her to facilitate the general peace, but that they believe it is hazarding too much to open the conferances, unless the general article offered by France be explained and specified.

Her majesty, who has always foreseen, and who still foresees, how impossible a thing it would be to bring the allies to agree on a plan of particular preliminaries, and who remains firm in her first resolution, to open the conferences on the articles signed by M Mesnager, has given M. Buys her final answer on that head, That she looks on those articles as containing in general all the pretensions her allies can reasonably form; That she still persists in the same opinion: she renews her orders to the earl of Strafford, to repeat his instance with the States General to induce them to choose one of the four places that have been appointed for the place of congress; and to oblige them likewise to dispatch passports for his most Christian majesty's plenipotentiaries.

Things being in this situation, her majesty thinks, in order to the speedy opening of the conferences, and for the greater dispatch of the work of the peace, it will be absolutely requisite, the most Christian king should give her majesty such explanations of his designs, with respect to the particular interests of the allies, as he shall think fit, to induce them to enter more willingly into a general negotiation.

The Dutch aim at nothing but their barrier, and their commerce, and provided the queen can, without fear of being disowned, specify, with a small matter, the barrier which France is willing to yield to them; and that she may assure them of the tariff of 1664, there is no room to doubt but the States General will enter, without any difficulty, into the negotiation as it has been concerted

The duke of Savoy's ministers are alarmed for their barrier towards France. The queen thinks it would not only be for the quiet and security of Italy, that this prince should be made more powerful on that side; but her majesty would be likewise very glad if she could give him some assurances concerning a barrier for his country towards France: And her majesty looks on that article to be so essential, that she hopes the answer will be as favourable, and as particular, as is possible.

The Dutch and the duke of Savoy being agreed on those heads with her majesty, the greatest difficulties that may be raised to delay the general peace, will presently be removed, and the conferences forthwith opened

There are several pretensions of the other allies included in the general promise of a reasonable satisfaction, that must be examined and settled in the course of a negotiation; as those of the king of Prussia, and those of the Electorate of the duke of Hanover, on which, if the queen was authorised to give assurances on the part of France, it would be attended with the good effect, That those powers would presently come into her majesty's views and measures.

There is no room to doubt, after all the steps her majesty has already made, but she has a sincere desire to procure the general quiet of Europe; and if her majesty desires that the most Christian king would give an explanation to the aforesaid demands, and to such others as might happen concerning the particular interests of other confederated princes, his most christian majesty may be assured, the queen will make no other use of the confidence the king will have in her, but to forward the negotiation, in seeking the shortest and most effectual means to attain a peace so much wished for, that will be honourable to his most christian majesty, and secure and equitable to the confederates.

No. 11.

Answer *to the Memorial brought by M. Gaultier. Nov.* 18, 1711

The King sees with pleasure, that the queen of Great Britain persists with that firmness worthy of her, in the desire she has expressed of using the most speedy and effectual means for attaining an honourable peace to France and Great Britain, and which may be at the same time both safe and equitable, with respect to the other powers engaged in the present war. His majesty intending also to confirm by deeds, the assurances he has given of the confidence he has in that princess, his majesty thinks he cannot better express his sentiments, than by explaining himself on the points of this memorial, with as much frankness as if the peace was made, and as if there was already a strict alliance between him and the queen of Great Britain

So without considering that there has been no mention made hitherto but of preliminary articles, and that the queen of Great Britain does now desire explanations on the particular conditions which are to form the treaty of peace, the king is willing to entrust her, as a princess in amity with him, with his thoughts on the detail of the chief conditions of the peace.

He is willing, as he has already declared, that the Dutch should have a barrier sufficient to secure the tranquility of their republic.

He is willing also that trade be restored and maintained for the future to their advantage, provided they will concur, *bonâ fide* to the re-establishment of the peace.

As to the barrier, it would be necessary, before it be settled, to agree upon the destination of the Low Countries, as the king of Spain has yielded them to the elector of Bavaria, and that the king has signed the treaty thereof; if it should not be fulfilled, the elector would have his recourse to his majesty to be indemnified. He will therefore desire, that the Dutch should put into the hands of the elector of Bavaria, the towns and provinces possessed by them, or their allies, in the Spanish Netherlands, so as that prince may possess the same in sovereignty after the peace, in like manner as he now possesses the towns and provinces of Luxemburg and Namur, and the places of Charleroy and Nieuport: the king will promise, that, on condition of this cession, the Dutch shall put garrisons into the strong places of the Low Countries, which shall be paid and maintained at the expence of the country; so that those provinces, being possessed by an independent prince, and garrisoned by Dutch troops, will form a barrier, which alone would be sufficient to secure the republic of Holland against any reasonable apprehension of the designs of France.

But the better to secure the States General against those vain fears, the king is willing to engage his word to the queen of Great Britain, still to strengthen that barrier, by quitting and yielding to the Dutch the town of Menin, with its verge, in giving them Ipres and its chastellenie; but it must be observed that Cassel, Poperingue, and Bailleul, do not make part thereof, and therefore his majesty reserves them to himself.

In short, by yielding further, with the same regard to the barrier, Furnes and the Fort Arabach These are the cessions the king is willing to make for the good of the peace; but then these are the only ones his majesty can grant, unless he would leave open the frontier of his kingdom.

As his majesty is persuaded, that neither the intention nor the interest of the queen of Great Britain are, that France should remain naked, and always exposed to the designs of her enemies, his majesty expects to be strongly supported by England, in the demand he makes of the restitution of the towns of Aire, Bathune, St Venant, Donay, Bouchain, and their dependencies, which he pretends to obtain by way of compensation for the places he yields, to form the barrier demanded by the Dutch.

He still renews the promise of demolishing, immediately after the conclusion of the peace, all the fortifications of Dunkirk, as well towards the land, as towards the sea, without any exception: and as it was settled between the king and the queen of Great Britain, that a fitting equivalent should be given for this demolition, his majesty demands Lisle and Tournay, with all their dependencies and chastellenies, to form the promised equivalent

Tournay is the ancient domain of the kingdom; it forms the frontier of it; and it must be looked upon as a place of safety to France, rather than an inlet into the neighbouring country: the king cannot receive a more public obligation from the queen of Great Britain, than if she will contribute to the restitution of a place so necessary for securing the frontier of his kingdom. On the other hand, it is indifferent to England, whether this place returns, as formerly, under the king's dominion, or whether it remains in the hands of a foreign power; and the interposition of the queen of Great Britain, by her good offices on this occasion, will cement, for the future, a most strict union between the crowns of France and England.

However, if her majesty's good offices should prove fruitless, notwithstanding her best endeavours for procuring to his majesty the restitution of Lisle and Tournay, as an equivalent for the fortifications of Dunkirk, his majesty declares from this present time, but only to the queen of Great Britain, that for the good of the peace, he will be satisfied with the restitution of the town and citadel of Lisle, with the chastellenie and dependencies, without insisting on Tournay, being willing to content himself with this last equivalent, rather than to retard, by more extensive, though just pretensions, the re-establishment of the tranquility of Europe.

The cession of the Catholic Low Countries was made by the king of Spain to the elector of Bavaria, only with a design to indemnify him for the losses he suffered during the course of this present war; but his majesty, and the king his grandson, are further engaged by treaties with that elector, to restore him, by the peace, to the possession of his dominions, of his rank, and of his dignities, whereof he was deprived by the war; so his majesty will demand, that this prince resume in the electoral college the first rank, which was transferred to the elector Palatine; that the upper Palatinate, given to the said elector Palatine, be restored to the elector of Bavaria; and in short that the dismemberments made from the chief parts of the same electorate, be annulled, and things restored to their former order.

Even these demands are not repugnant to the interest of the Dutch, supposing that they will consent to leave the low countries to the elector of Bavaria: for it is consistent with their maxims, that these provinces should be possessed by a prince, whose power secures their barrier.

However, if they have different thoughts with respect to the elector of Bavaria, and that, forgetting the first engagements of that prince with the House of Austria, they are persuaded that his ties with France will never be weakened; if upon this foundation, they think that his power might at any time be dangerous to their state, and that therefore it is necessary to diminish the same; regard may be had to this fear, although ill grounded, by proposing for the good of the peace, to engage the elector of Bavaria to yield Bavaria, and the electoral dignity, to the prince his eldest son; whereof it would be necessary to conclude at the same

time the marriage with the arch dutchess, eldest daughter of the late emperor Joseph. In this case it should be stipulated, that the elector would be satisfied to possess the Low Countries instead of Bavaria, with the condition that has been mentioned, of putting Dutch garrisons into the places to be paid and maintained at the charge of the country.

If these proposals should be rejected, the king, being engaged by his treaties to take care of the interests of a prince's ally, demands that at least the elector of Bavaria may keep the provinces of Luxemburg and Namur, and that his electorate, his dignity, and his rank, may be restored to him; but it would not be just, that being reduced to two strong places in the Low Countries, he should be obliged to receive a Dutch garison therein, which the revenue of those two provinces would not be able to maintain. This condition must be struck out, which the king only proposes in case all the Low Countries be entirely given to the elector of Bavaria.

As the king doubts not, but the queen of Great Britain thinks it just, that the elector Palatine should restore the upper Palatinate, his majesty thinks, that the duchy of Limbourg might be separated from the Low Countries, and given to the elector Palatine, to indemnify him for the upper Palatinate, which he should restore; this his majesty leaves to the prudence and justice of the queen of Great Britain. However it be, it might be agreed, that the elector Palatine should enjoy, during his life, the upper Palatinate, and the first rank in the electoral college, and that after his death, both should return to the elector of Bavaria, and his successor.

This second proposal, with respect to the elector of Bavaria, would bring no alteration to the offer already made, of yielding to the Dutch for a barrier, Menen, Ipres, Furn and Furn Ambach, on the conditions beforementioned.

But the manner in which they will use this privilege, will decide the advantages the king will grant with respect to trade.

If one of the preceding proposals is accepted, the king's intention is to re-establish, in favour of the Dutch, the tariff of 1664, with the exemption of the duty of 50 per tan; his majesty will particularize only some exceptions to this tariff, whereof the detail is contained in a memorial by itself: he thinks himself obliged to stipulate the same, not only to prevent the utter ruin of trade, the navigation, and the manufactures established in his kingdom, but also to take away the equivocations that might hereafter occasion complaints, and troublesome disputes.

If it happens no the contrary, that the proposals made in favour of the elector of Bavaria be rejected, that he be obliged to content himself with the single restitution of Bavaria perhaps dismembered from the upper Palatinate, and the elector be deprived of the first rank in the electoral college; in this case, his majesty will only grant to the Dutch the tariff signed in May 1699.

There would still be another indemnization more honourable, but far less useful, and which his majesty would nevertheless pay, at the same rate of the re-establishment of the tariff of 1664, with the exceptions mentioned.

The Dutch, and their allies, by refusing the Low Countries to the elector of Bavaria, would probably have the same yielded to the archduke, The king will consent thereto, and moreover, his majesty will dispose that elector to yield the whole electorate of Bavaria to the house of Austria, provided the kingdom of Naples be given to that prince.

The proportion is not equal between that kingdom of the one, and the Spanish Netherlands on the other part, with a country like that of Bavaria, and so convenient to the house of Austria; but the king undertakes to supply the loss of the elector of Bavaria, and to make by the indemnization, England a considerable gainer

The means his majesty proposes to succeed therein, is, by engaging the king of Spain to yield Sicily to that elector, so by possessing both kingdoms, he would be indemnified for what he should forsake otherwise, and the English would find their particular advantage in the conventions England might make with him for the commerce in the Mediterranean. It is not indifferent to the nation to be secure of the prince who shall be master of Messina, and the Dutch would easily prevent England, if ever Sicily should fall into the hands of the archduke. This reflection will not have escaped the wisdom of the queen of Great Britain, who shews likewise her regard to the affairs of Italy, by the article which concerns the duke of Savoy.

The king's intention is, punctually to perform the convention signed in his name, by M. Mesnegar, in relation to that prince. His majesty will acquaint him therewith directly, since the queen of Great Britain desires it The silence his majesty has kept upon this subject, was grounded upon this, that his majesty has no correspondence, either directly or indirectly, with the duke of Savoy, he referring himself to that princess to instruct him with what was stipulated for him.

For what remains, the king is so far from opposing the aggrandisement of the duke of Savoy, on the side of Italy, that he thinks it would be the advantage of that part of Europe, that the rest of the Milanese should be joined with that part whereof that prince is already possessed; he would even consent with pleasure to treat him then in quality of king of Lombardy.

The king's sentiments on this occasion being entirely agreeable with those of the queen of Great Britain, there is no room to doubt, but that princess will also agree, that it is just that the duke of Savoy should be satisfied with the old barrier towards France, and that he restore the places of Exilles and Fenestrelles, both

lying in Dauphine; his majesty confirming the promise he has made of restoring to him the duchy of Savoy, and the county of Nice; whereof the consideration is still above the importance of these two places for the frontier of the kingdom.

Besides these explanations, the king will give, with an intire confidence, to the queen of Great Britain, all the explanations she will be pleased to ask him, for the good of the peace; and since she desires to know, what are the king's dispositions with respect to the elector of Brandenburgh, and the duke of Hanover; his majesty assures her, that he will make no difficulty to acknowledge the first, as king of Prussia, and the second, as elector, when the peace is signed. The queen of Great Britain may even make use of this confidence, as she shall think most fitting for advancing the peace, and be sure that the king will not disown her.

In short, the desire which that princess expresses, to procure forthwith the general tranquility of Europe, seems so sincere, that his majesty is further willing to communicate to her his intentions on the peace, to be made with the empire: which are,

To acknowledge the archduke, as emperor.

To restore to that prince, and to the empire, Fort Keile, in the same condition it is now in.

To cause the forts built in the Rhine, and depending on Strasburgh, to be demolished.

To raise the fortifications built over against Hunnmnen on the right, and in the Island of the Rhine.

In like manner, the fort built on the other side of the Rhine, over against Fort Louis, as well as that part of the bridge leading from the Island to the right hand shore of the Rhine.

To demolish in general, all the fortifications built, or raised on the other side of that river.

In short, to restore to the emperor the town of Brisac, except nevertheless the fort called Mortier, lying on the left, and on this side of the Rhine.

Upon these conditions, which sufficiently shew the king's desire of leaving the empire in peace; his majesty desires only for himself the restitution of the town of Landau; and for the allies the re-establishment of the elector of Cologne, in his dominions, benefices, and dignities; referring himself, as to what relates to the elector of Bavaria, to what has already been mentioned, with respect to that prince.

The king expects with impatience the happy effects of the application of the queen of Great Britain, in contributing to the re-establishment of the peace, and his majesty desires with no less earnestness a fitting time wherein he may give public proofs of his sentiments for that princess.

No. 12.

St. James's Dec. 23, 1712.

The QUEEN'S INSTRUCTION'S *to my Lord Privy Seal, and the Earl of Strafford, her Plenipotentiaries for a General Peace.*

Upon your arrival at Utrecht, you are to begin by concerting with the ministers of our allies, in what manner it may be most proper to open the conferences, and what method to observe in the progress of the treaty. You will upon this, and upon all other occasions, earnestly represent to these ministers, the great importance of appearing united; and for that reason, recommend to them, that if any difference or dispute should arise, the same should be accommodated amongst yourselves, that France may have no hold to break in upon you; but on the contrary, whenever you meet the enemies ministers in the congress, every opinion that is delivered, and every instance that is made, may be backed by the concurrent force of the whole confederacy.

In order to bring this great work to a speedy issue, and to prevent, as much as possible, any advantage which the enemy might take, by a long negotiation, of dividing the allies, or of slackening their preparations for another campaign, you are to propose, that a time be fixed for the conclusion, as was done for the commencement, of these conferences.

If it shall be thought proper to begin by the disposition of the Spanish monarchy, you are to insist, that the security and reasonable satisfaction which the allies expect, and which his most christian majesty has promised, cannot be obtained, if Spain and the West Indies be allotted to any branch of the house of Bourbon: and in case the enemy should object, as the imperial ministers have done, That the second article of the seven, signed by the Sieur Mesnager, implies, that the duke of Anjou shall continue on the throne of Spain, you are to insist that those articles, as far as they extend, are indeed binding to France; but that they lay neither us, nor our allies, under any positive obligation; that they were received only as inducements for opening of conferences; and that an agreement to take measures for preventing the crowns of France and Spain from being ever united upon one head, cannot be construed by any means to imply that the latter should remain to the present possession, since by the sixth article of the preliminaries made in 1709, this very point was insisted upon, although in the same preliminaries it was agreed, That the duke of Anjou should abandon the throne of Spain. In treating therefore upon this head, you are to consider, and settle, in conjunction with our allies, the most effectual measures for preventing the crowns of France and Spain from being ever united upon one head; and the conditions which shall be agreed as necessary to this effect, you are peremptorily to insist upon.

Whether the great article of the Spanish

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monarchy shall be in the first place adjusted, or whether it shall be thought expedient to defer the consideration thereof, you are, in behalf of our allies, to demand of France the following terms, with such extensions and alterations, as the several parties concerned may be desirous of, and as shall appear just and reasonable. And for your better information and guidance, as well in respect to these articles, as to others, the several memorials and representations which we have received from divers princes and states, concerning their interests in the treaty of peace, are herewith delivered to you.

In the first place, with respect to the interests of our good brother the emperor, and of the empire, you are to insist, that the town and citadel of Strasbourg be restored to them in the same condition they are at present, together with the fort of Kehl, and the dependencies thereof, situated on both sides of the Rhine, without the repayment of any demand of charges under any pretext whatsoever, with one hundred pieces of brass cannon, of different sizes, and ammunition in proportion. That the said town of Strasbourg be likewise restored to the rank, prerogatives, and privileges, of an imperial city; and do enjoy the same in such manner as they were enjoyed before it was brought under the dominion of his most christian majesty, both in ecclesiastical and civil rights; and you are to demand, that the said town and forts be effectually evacuated in such time and such manner, as shall be agreed upon by you in concert with our allies.

You are further to insist, that the town of Brisac, with its territory, be restored to his imperial majesty, and the house of Austria, with all the cannon, artillery, and ammunition that are therein, to be held and enjoyed by his said imperial majesty, in such manner as he ought to have held and enjoyed the same, pursuant to the treaty of Ryswick

You are to endeavour to procure, that his most christian majesty may hereafter have the possession of Alsatia, in such wise only as appears to be according to the literal sense of the treaty of Westphalia, and by virtue thereof, that he be contented with the right of prefecture over the ten imperial cities, lying in the said country of Alsatia, without extending the said right to the prejudice of the prerogatives, rights, and privileges, which belong to them, as to other free cities of the empire; but that his said most christian majesty may enjoy the aforesaid right, together with the prerogatives, revenues, and demains, in like manner as he ought to have enjoyed them at the time of the conclusion of the treaty abovementioned.

You are to demand, that the fortifications of the said ten towns be put in the same condition they were in at the time aforesaid, except the town of Landau; the possession and propriety whereof you are to procure to the emperor and the empire, with liberty to demolish the fortifications of that place, if they shall think fit.

You are likewise to insist, that his most christian majesty in pursuance of the said treaty of Westphalia, do cause to be demolished to such time as shall be agreed on, and at his own expence, the fortresses, which he has at present on the Rhine, from Basse to Philipsburg, namely, Huningen, New Brisac, and fort Louis, with the works belonging to the said fort, on both sides the Rhine, without ever rebuilding the same.

You are further to demand, that the town and fortress of Rhinfelt, with its dependencies, be put into the hands of our good cousin the landgrave of Hesse Castle, until that matter be otherwise settled.

The clause inserted in the fourth article of the treaty of Ryswick, relating to religion, being contrary to the honour of the treaty of Westphalia, you are accordingly to insist, that the same be revoked and annulled, and that the state of religion in Germany be restored to the tenour of the treaty of Westphalia aforesaid.

You are likewise to insist, that his most christian majesty do acknowledge our good brother the king of Prussia in that quality: and that he do promise not to give to his said Prussian majesty, any disturbance in the possession of the principality of Neufchatel, and of the county of Valeagin: and that he do restore the principality of Orange, to those to whom it shall appear by law to appertain, and such other estates as did belong to our late dear brother king William the Third, which are now in the hands of France.

You are also to demand the acknowledging of the electorate, which has been erected in favour of the duke of Hanover, now elector of Brunswick and Lunenburg

And if any difficulty shall arise, concerning the time of acknowledging his Prussian majesty, and the elector of Hanover, the ministers of France insisting not to do it until the peace be signed; and the ministers of these princes, insisting to be received as the ministers of a crowned head, and of an elector, at the first opening of the congress, you are in such case, to endeavour by some expedient to reconcile the dispute. You may in the first place propose, that the several ministers should confer, and treat together, without exchanging or producing their full powers, until they come to conclude and sign: you may in the next place offer, that the full powers of the Prussian, and Hanover ministers be accepted with a declaration, that this shall be of no consequence, unless the general peace ensue: thirdly, you may endeavour to terminate the difference, by pressing to have the full powers of all the ministers put into the hands of such plenipotentiaries, as shall be agreed upon by the parties present.

As to our good brother the king of Portugal, you are to insist that he have and enjoy all the benefits and advantages granted to him by the treaties made between us, our allies, and [illegible] said majesty.

As to what relates to the particular interests of our good friends and allies, the States General, you are to insist that the most christian king do yield, towards forming a sufficient barrier to them, Furnes, Fort Knock, Menin, Ipres, Lisle, Tournay, Conde, Valenciannes, and Maubeuge, as likewise Douay, Bethune, Aire, St. Venants, and Bouchain, with their several dependencies, and the cannon, and artillery, and ammunition, now being in such of the aforesaid towns as are still in the hands of the French, to be garisoned in such manner as is or shall be agreed on between us, and the said States General, or others concerned You are further to insist on that head, that his most christian majesty do restore all the towns, forts, and places, belonging to Spain, which he at present possesses, or has been in possession of, during the course of this war in the Spanish Low Countries, together with the cannon, artillery, and ammunition, now being and remaining therein, to the end, that such part of them that have been, or shall be thought fit, may also be allotted for a barrier to the States General.

You are to use your utmost endeavours, that the tariff of 1664, be granted by France to the said States General, with the suppression of all other tariffs made since that time; revoking and annulling all edicts, declarations, and decrees, contrary thereunto; that the advantages of the treaty of Ryswick be likewise given to the States; and that the exemption of fifty pence per tun be allowed to all Dutch vessels, trading to the ports of France.

You are however to take especial care not to suffer these articles in favour of the States general to be concluded, until the treaty of succession and barrier be so explained, as to remove those apprehensions which we have as to the consequence of it in some points, concerning which you are already instructed, and shall hereafter be more fully informed of our pleasure.

As to our good brother the duke of Savoy, you are to demand that he be put again into possession of the Dutchy of Savoy, county of Nice, and all his hereditary countries and places yielded to him by the treaties made with the emperor and others of the allies; and that his most christian majesty do likewise yield to the said duke of Savoy, the towns of Exilles, Fenestrelles, and Chaumont, together with the valley of Pragelas, and all the tract of land lying between Piedmont and mount Genevre, so that the said mountain may serve hereafter as a barrier between the kingdom of France and the principality of Piedmont.

When the barrier of our good friends and allies the States General shall be under consideration, or at any other time which in the course of this negotiation shall to you appear most proper, you are to press the explaining, extending, and settling the 24th article signed by the Sieur Mesnager, which relates to the demolition of Dunkirk.

As to our own interests, you are to be particularly attentive to them in the whole course of this negotiation, to make use of every accident which may happen, and of every occasion which the several allies may have of our assistance, in order to promote and secure the same with each of them.

Whereas by the treaty of barrier, the commerce of these our kingdoms to the Spanish Netherlands, and to such places as by virtue of the said treaty accrue to the States General, is exposed to be lost, or at least to become precarious: and whereas the Sieur Buys, their envoy extraordinary to us, has himself acknowleged the reasonableness of our apprehensions, and the justice there is that we should be secured against any prejudice, which we have reason to fear may arise to us from those great accessions which they have, at the expence of the blood and treasure of our subjects, acquired.

You are therefore at the same time as you use your endeavours with the enemy, and such of the allies as may be concerned therein to procure to the states general the effect of the aforesaid treaty, to insist that Nieuport, Dendermonde, the castle of Ghent, and such other places as may rather appear to be a barrier against us, than against France, be either not put into the hands of the Dutch, or that such expedients be found for the doing thereof, as may secure the ingress and egress of our subjects in all the Low Countries, as fully and effectually as if the said barrier had not been granted to the states general.

The seventh article of the barrier treaty giving a power to the states general, in case of an apparent attack, or of war, to put so many troops as they shall judge necessary into all the towns, places, and forts of the Low Countries, you are to endeavour to have this article so explained, as to be understood for the future only of an attack from, or of a war with France, since nothing can be more unreasonable, than to leave it in the power of the states general to make use of the ten provinces against those to whom the sovereignty of these provinces may belong, or against the British nation.

It must be your further care, that a special provision be made that our subjects may not suffer in their commerce by any omission in the fifteenth article of the said barrier treaty, and that it be expressly stipulated that the subjects of these our kingdoms shall trade as free, with the same advantages and privileges, and under the same impositions and no other, as they used to do when those places were in the hands of France or Spain, or as the subjects of the states general themselves have done, or shall at any time hereafter do.

Pursuant to what is beforementioned, you are to make these instances, and such others as shall be hereafter directed upon these heads, wherein the interests of our kingdoms, and of the dominions of the States General may interfere, at such time and in such manner, that our satisfaction may go hand in hand with the settlement of their barrier.

You are to insist, that the most christian king do not only in the plainest and strongest terms, acknowledge the succession to the crown of these our kingdoms, as the same is limited by law to the house of Hanover; but also the person pretending a right thereunto shall be immediately obliged to retire out of the dominions of France, and that his most christian majesty shall further promise and engage, for himself, his heirs and successors, never to acknowledge any person to be king or queen of these realms besides ourself, and such as shall succeed to us by virtue of the acts of settlement now in force.

You are to demand that a treaty of commerce may be as soon as possible commenced between us and France; and that in the mean time such points may be settled as shall appear necessary to prevent the doubts and difficulties which may otherwise arise in the future negotiation of this matter.

The joint possession of the Island of St. Christopher, having been the occasion of frequent disputes between our subjects and those of the most christian king as well as of the effusion of much blood, you are to demand and insist, that the right to and possession of the said island do for the future remain to us, and that the most christian king do renounce all right, title, claim, or interest, which he or any of his subjects may have or pretend to have, to or in the said island, or any part thereof.

As to our interests in the North parts of America, you are to be particularly careful, and to demand in the first place the restitution of the bay and streights of Hudson, together with such further security for the trade and recompence for the losses of this company, as you shall be able to obtain.

You are in the next place to insist, that Placentia and the whole island of Newfoundland be yielded to us by the French.

Thirdly, you are to demand that his most christian majesty shall quit all claim or title, by virtue of any former treaty or otherwise, to the country called Nova Scotia, and expressly to Port Royal, otherwise Anapolis Royal, which is now in our possession

You are, in the fourth place, to endeavour in the best manner you possibly can, to describe and fix the bounds of the British and French settlements in these parts.

Besides those advantages and privileges, which, by virtue of any former treaty or agreement, our subjects are intitled to in any part of the dominions of the Spanish monarchy, you are to insist in the future treaty upon the following articles

First, that Gibraltar and Port Mahon, with the island of Minorca, be for the future annexed to the crown of these realms.

Secondly, that the contract called the Assiento for furnishing slaves to the Spanish West Indies be made for the term of thirty years, with such of our subjects as shall be by us nominated and appointed, who shall enjoy all the prerogatives, privileges, and advantages which were yielded to the French by a contract made with them in the year 1702, or which shall appear necessary and reasonable, particularly you are to insist, that some extent of ground on the river Plate may be assigned, upon which our subjects may not only refresh their negroes, but keep them in security until they shall be disposed of to the Spaniards.

Thirdly, you are to take care that a general article be inserted, by virtue whereof all advantages, rights and privileges, which have been granted, or which may hereafter be granted, by Spain, to the subjects of any nation whatsoever, shall be in like manner granted to the subjects of Great Britain.

Fourthly, in settling the trade of our subjects to the Spanish dominions, you are to endeavour to obtain such exemptions of duties upon all goods and merchandizes of the product or manufacture of these kingdoms, as shall amount to an advantage of at least 15*l.* per cent.

You have herewith delivered to you such proposals and observations, relating to our interests in commerce, as have been prepared and made by our commissioners for trade and plantations; together with the petitions and representations of our Turkey and East India companies, and of other our subjects; of all which, and of such others as shall hereafter be transmitted to you, you are to make the best use you shall be able for the relief of our subjects, and for the improvement of commerce.

And whereas we have directed a state to be prepared of such demands as we may justly make, not only on account of the expences which we have been at for our good friends and allies the States General, but also on account of those immense sums which we have furnished for the use of our good brother the emperor you are hereby required, as soon as this state shall be transmitted to you, to insist upon satisfaction for as much as shall thereby appear to be due to us.

And whereas we think ourselves obliged on all occasion to exert our zeal in behalf of the Protestant religion and interest, we cannot conclude these our instructions without directing you to concert with the ministers of the States General and our other Protestant allies, the most proper and effectual methods for restoring to their religious and civil rights the Protestants of France, and particularly for the immediate relief of such as may at this time be in the gallies.

Our will and pleasure is, in the last place, that you do from time to time observe and follow such further instructions and directions as you shall receive from us or one of our principal secretaries of state, with whom you are constantly to correspond, and give us, by him, an account of all your proceedings in these important affairs, and of all other material occurrences, which may come to your knowledge, during the course of this your employment in our service abroad.

A. *R*

No. 13.

A Specific EXPLANATION *of the Offers of France for a General Peace, to the Satisfaction of all the Powers interested in the present war. Delivered February* 11, 1713.

The king will acknowledge, at the signing the peace, the queen of Great Britain, in that quality, as well as the succession to that crown, according to the present establishment, and in the manner the most agreeable to her Britannic majesty.

His majesty will cause all the fortifications of Dunkirk to be demolished immediately after the peace, having an equivalent to his satisfaction.

The Island of St. Christopher's, the bay and streights of Hudson, shall be yielded intirely to Great Britain, in like manner Acadie, with its fort and fort royal, shall be intirely restored to his majesty.

As to Newfoundland, the king offers to yield it again to Great Britain, reserving to himself only the fort of Placentia, and the right of fishing and drying of cod-fish, as before the war.

He will agree to make a treaty of commerce before or after the peace, at the choice of England, of which the conditions between the two nations shall be made as equal as possible.

The king will consent, at the signing the peace, that the Spanish Low Countries yielded to the elector of Bavaria by the king of Spain, shall serve as a barrier to the United Provinces, and to enlarge it, he will add thereto Furnes and its district, Knock, Ipres and its district, Menin and its district In exchange his majesty demands for forming the barrier of France, Aire, St. Venant, Douay, Bouchain, and their dependencies.

If the States General will keep garrisons in the strong places of the barrier thus formed from the countries yielded to his electoral highness, and from what France shall add thereto, his majesty consents that they may put therein their troops in as great number as they please: and further, that they be maintained at the charge of the country.

For this cession and consent, the king on his part demands, for the equivalent of the demolition of Dunkirk, the cities and citadels of Lille and Tournay, with their chastellenies and dependancies.

The barrier thus regulated between France and the States General, the king will agree to augment the commerce of their subjects, which is stipulated by the treaty of Ryswick and the advantageous tariff of 1664, excepting only six sorts of merchandize, of which it shall be agreed, and which shall remain charged with the same duties as they now pay, together with the exemption of fifty sols par tun, upon the Dutch ships coming into France from the united provinces, and from foreign countries.

As to the commerce of Spain and the Indies, the king will promise, not only to the States General, but also to Great Britain and to all the other powers, by virtue of an authority which he has for that purpose, that the commerce shall be made exactly and intirely after the same manner that it was made under the reign, and until the death, of Charles the second, and will promise, that the French shall be subject, as well as all other nations, to the ancient laws and rules made by the kings, predecessors of his catholic majesty, in relation to the commerce and navigation of the Spanish Indies.

His majesty further consents, that all the powers of Europe shall enter into a guaranty of this promise.

His majesty promises, that the king his grandson shall renounce, for the good of the peace, all his pretension to the kingdoms of Naples and Sardinia, as well as to the dutchy of Milan, which he will consent in the same name, that this part yielded to the duke of Savoy do remain to his royal highness; provided that for this cession the house of Austria shall likewise desist from all pretension upon the other parts of the monarchy of Spain, from whence it shall draw its troops immediately after the peace.

The frontiers of both sides upon the Rhine, shall be put in the same state as they were before the present war.

For all these conditions above-mentioned the king demands, that the electors of Cologn and Bavaria be re-established in the full and intire possession of their estates, dignities, prerogatives, goods moveable and immoveable, which they enjoyed before the present war; and his majesty will reciprocally acknowledge in Germany and in Prussia, all the titles which to this time he has not acknowledged

The king shall restore to the duke of Savoy what he hath taken from him during this war; in like manner his royal highness shall restore to him what he hath taken from France, so that the bounds on both sides shall be the same as they were before the declaration of war.

All things in Portugal shall be re-established and remain upon the same foot in Europe as they were before the present war, as well in regard to France as Spain and as to the dominions which are in America, if there be any difference to regulate, endeavours will be used to agree it amicably

The king will voluntarily and *bonâ fide* consent, to concert with the allies the most just measures whatever to hinder the crowns of France and Spain from being ever reunited upon one and the same head; that is to say, that one prince be at the same time king of both.

All the precedent treaties, that is to say, those of Munster, and this following ones, shall be ratified and confirmed, to remain in their force and vigour, excepting only those articles from which the treaty of peace now to be made, shall have derogated or changed any thing.

HUXELLES.

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No. 14.

Lords Plenipotentiaries to Mr. Secretary St. John, March 6, 1712.

Extract.

The conference in order to communicate our several demands, was held yesterday, and all produced theirs, except the imperial ministers, who having but then received their courier from Vienna, desired time to prepare theirs. At this latter meeting count Zinzendorff insisted with great earnestness that each ally should in their several demands, make express mention of, and insist upon the restitution of the whole monarchy of Spain, that having been the great object of the war; the minister of Portugal joined in this requisition: after a long silence count Zinzendorff pressed us and the Dutch to explain ourselves. We said, her majesty had thought it most proper each ally should make their own demands, and a general clause to support each other in obtaining a just and reasonable satisfaction was sufficient, especially since the words, 'en conformité de ses alliances,' were in it: This was remained by.

The Dutch, being again pressed in like manner, retired; and after a long debate among themselves, being returned, spoke to the same purpose we had done; adding that Spain and the Indies ought to be demanded by those it immediately concerned; and Mr. Buys reasoned very much at large, that the method we had put things in, could not suffer it to be otherwise. Count Zinzendorff and his colleague parted with great discontent; the former saying with much concern, This would be a fatal day for the grand alliance, &c. Here we thought this dispute had ended, but this morning the Dutch plenipotentiaries desired we would come to the town house a little before the time of meeting; those of France being come, they pressed us with the necessity of giving count Zinzendorff some content, and at last declared they were resolved to do it: accordingly coming into the room where the allies ministers meet, they said, That since they perceived the arguments they used last night had not given content, they had now thought fit to go further, and accordingly declared the States General were resolved to make good all their treaties made on occasion of this war, as well those that related to Spain and the Indies, as those made with Portugal, Prussia, Savoy, and others

Upon this we immediately went to the conference with the French, to deliver our several demands; while we were there, we considered the disadvantageous consequences of being the only ministers that did not make any mention at all of Spain and the Indies, even at our conferences among ourselves, and thought it might be proper to say something to take off that odium; wherefore, being returned to the apartment of the allies, lord privy seal said, We are unwilling to speak more than we had done, till after we had given in our demands to France, because we could not see but the mentioning any one specially in our demands, would naturally have drawn on the mention of more; but at present, to give the satisfaction so earnestly desired, we owned, that as her majesty insists for a just and reasonable satisfaction for all her allies in conformity to her alliances, those alliances that may concern Spain and the Indies, are understood thereby as others that concern the interests of the rest of the allies. We humbly hope what was said by lord privy seal on this occasion will not be found contrary to what has hitherto been declared; and that as it goes no further than to just and reasonable, it does not import any new obligation.

No. 15.

The ANSWER *to the Memorial brought by M. Gaultier, March 23, 1712. March 28, 1712.*

Extract.

The last article of the memorial certainly requires much discussion, and to be maturely examined: the matter is so important that one ought to depend upon the first views and conceptions of it; the more specious they are, the more dangerous it is to be misled by a persuasion of their being easily executed.

France can never consent to become a province of Spain, and Spain will likewise think the same in respect to France; it is therefore our business to take solid measures to hinder the union of the two monarchies; but we should absolutely depart from the end proposed, and should fall into infinite misfortunes, worse, if it be possible, than what we would unanimously avoid, if we act contrary to the fundamental laws of the kingdom.

According to these laws the most near prince to the crown is of necessity the heir thereto; 'tis an inheritance that he receives neither from the king his predecessor, nor from the people, but from the benefit of the law: so that when one king dies, the other succeeds him forthwith, without asking the consent of any person whatsoever. He succeeds not as heir, but as the master of the kingdom, the seignory whereof belongs unto him, not by choice, but by right of birth only.

He is not beholden for his crown, either to the will of his predecessor, or to any edict, nor to any decree, nor to the liberality of any person, but to the law. This law is looked upon as the work of him who hath established all monarchies, and we are persuaded in France, that God only can abolish it.

No. 16.

WHITEHALL, *March 23, 1711. V. S.*

Mr. Secretary St. John to M. de Torcy.

SIR; I was answering your letter of the 20th of this month, N. S. the day before yesterday, when a courier brought me that of the 26th, with a memorial of the same date.

The queen believes Mr. Gaultier will have given you satisfaction upon the points contain-

ed in the first, and her majesty has commanded me, without loss of time, to communicate to you her sentiments, in regard to the article of the union of the two monarchies, upon which your last dispatch generally run.

The facilities which have been received from hence, for the conclusion of a general peace, have been expected from the queen, or than any other power could have contributed. The first motive that her majesty had to make all these steps, has been a firm trust, founded upon the so often repeated assurances, on the part of his most christian majesty, that he would consent to take all the measures necessary to hinder for ever, that union of so ill consequence to all Europe.

The expedient that Mr. Gaultier has been instructed to propose, is the only one which seems to the queen capable of giving the least hope of preventing this inconveniency; and her majesty observes, that the proposition contained in your memorial, does but confirm and make the queen and her allies parties to a plan which has been, and which is now more than ever, the object of their fears.

It is not necessary that I should enter into the particulars of the objections upon which we might insist. You are, sir, of too clear a genius not to see them in their whole extent and force. The queen relies too much upon the equity of the king your master, and the sincere desire he has always shewn for a general peace, to be capable of imagining, that he will require her to content herself with a surety of so little solidity as that proposed in the memorial; or that she should suffer that the case might happen, that he that shall be in possession of the crown of Spain, should have the right to succeed to the crown of France. Who would then assure us that this prince would not make use of his power to keep the one, and to acquire the other, rather than shew a moderation without example?

We are ready to believe that you are persuaded in France, that God alone can abolish that law upon which your right of succession is founded; but you will give us leave to be persuaded in Great Britain, that a prince may depart from his right by a voluntary cession, and that he, in favour of whom that renunciation is made, may be justly supported in his pretensions, by the powers which become guaranties of the treaty.

In short, sir, the queen commands me to tell you, that this article is of so great consequence, as well for herself as for the rest of Europe, for this present age, as for posterity, that she will never agree to continue the negotiations of peace, unless the expedient she has proposed be accepted, or some other equally solid.

I dispatch, however, a courier to the lords plenipotentiaries, to communicate to them the queen's orders upon this subject; and I must tell you they cannot accept of any plan for a general peace, as reasonable as it may be in other respects, if they do not receive satisfaction upon the means to hinder this monstrous union.

It would be in effect, building upon the sand, taking unnecessarily many precautions to make a peace, and not have prevented a danger so great and so probable as this.

We see with a great deal of satisfaction, that you wish this new proposition should be looked on only as a first thought. let us do what we can on each side, that our second thoughts may nearer meet; and let us not leave imperfect a work which hath been so advanced, spight of that vigorous and general opposition.

I am rejoiced that the king has been pleased to recompence the services of M. Gaultier, by giving him an abbey. He will not fail to be useful at Utrecht, and what is certain, he will find the queen's ministers in the disposition to shorten the negociation. I beg you would be persuaded that I am, &c.

No. 17.

M. Torcy to Mr. St. John, April 8, 1713.

I received by the courier, returned from London, the letters you honoured me with of the 23rd, and 24th March O. S. and observed, with a great deal of pleasure, in the last, that you thought the conditions of the treaty of peace would be soon adjusted to common satisfaction, if the means of preventing the reunion of the monarchies of France and Spain could be settled and agreed on.

I believe, sir, that it cannot be impossible to find out an expedient which all Europe is equally concerned to settle; and since you do not altogether stick at that which Mr. Gaultier proposed to me on your part, I hope second thoughts upon this matter may prove more successful than the first. If it is not yet intirely to your satisfaction, he pleased to communicate to me what may be added to it, or rather taken from it. In short, let us labour earnestly, and without prevention, for the conclusion of a work of so great importance as that of the peace.

As the principal difficulty which still opposes the conclusion of it, is the trouble to find sufficient security to prevent the dangerous reunion of the monarchies of France and Spain, the king proposes to consent by the treaty of peace, of which all the powers of Europe shall be guarantees, that if ever the king of Spain, Philip V. or the prince his son, or any of their children, who shall succeed them to the kingdom of Spain, becomes either the next and presumptive heir, or the successor of the crown of France, and prefers it to the crown of Spain, that of Spain shall belong of full right to the prince whom they shall fix upon by the same treaty to possess it; that not only king Philip shall sign and ratify this condition of the treaty, but moreover, that all the powers of Europe shall enter into an engagement with France, to maintain this article: so that if the prince of the House of France, that shall reign in Spain, has a mind to assert his right to the crown of

France in the manner I just now observed, he shall be obliged to renounce his own right, and that of his descendants, to the crown of Spain, to depart from thence and to go to France with all his children, princes, and princesses.

That if he prefers the crown of Spain to that of France, or the quality of heir and immediate successor to the crown of France, he shall be obliged to renounce, in favour of the line which shall follow nearest his own, and which shall remain in France, his own right, and that of his children, to the said crown of France. So that, in this case, the catholic king, or he that should reign in his stead, should have the choice as being eldest; but he cannot possess the two monarchies together, or inherit that of France, and leave Spain to one of his children.

If you should ask, sir, what precaution must be taken to settle such a renunciation as I have laid before you, as being contrary to the order established in France for the succession to the crown, I answer, first, That there is no room to suppose that the king of Spain would prefer the crown of Spain to that of his forefathers, for a thousand reasons easy to comprehend, and too tedious to lay down.

Secondly, That if he was so ill advised to make such a choice, the securest precaution would be what you insinuate in one of the letters you honoured me with, viz. a solemn engagement which all the powers of Europe should enter into by the treaty of peace, to maintain a disposition made with a view of preserving the general liberty and repose of Europe.

Since the clause of the will of the late king of Spain, Charles II. which appoints the duke of Berry, appears rather a new obstacle to the peace, than an expedient capable of preventing the union of the two monarchies, it seems necessary to consent that the king of Portugal possess himself of the crown of Spain, as soon as the king of Spain should be called to the succession of France, and should prefer it to the crown of Spain.

The marriage of the king of Portugal with a princess of the House of Austria, would countenance the disposition to be made in favour of this prince; but if it be not convenient to think of him to be king of Spain, they may, on the same foundation, choose that Prince who would marry one of the archdutchesses daughters of the emperor Joseph.

In short, the duke of Savoy, being nominated by the wills of the late kings of Spain, in default of the house of Austria, he may likewise be chosen: but as a king of Spain, master both of Piedmont and Savoy, would be a dangerous neighbour to France; the king would find himself obliged to demand for a barrier, not only the restitution of Exilles and Fenestrelles, but even the cession of Savoy and the county of Nice.

To settle more firmly the tranquillity of Europe, it may be agreed upon by the treaty of peace, that the measures taken to prevent the union of the two monarchies be received and confirmed by the Cortes, or States, of the kingdoms of Spain.

I wish, Sir, this plan may be agreeable to the intentions and sentiments of the queen of Great Britain; and I cannot but hope so, since it is your own thought to guaranty the renunciations by the powers who shall sign the treaty of peace; and no better care can certainly be taken to confirm the validity of these acts, than stipulate them by a solemn treaty, of which all Europe is concerned to back the execution.

The king orders me to acquaint his plenipotentiaries of what I have the honour to write to you, and I hope, Sir, that the good understanding and correspondence between his majesty and the queen of Great Britain, will daily encrease in such a manner, that the enemies to the peace shall have no room to triumph. You will have the pleasure to silence such as are so; and I desire no less the satisfaction of finding opportunities to assure you how truly I am, &c.

DE TORCY.

No. 18.

Mr. St. John to M. de Torcy. April 6, 1712.

I answer now the letter which you did me the honour to write to me the 8th instant, N. S. and which I received by the same messenger who brought me your former.

Be assured, Sir, that we will go on vigorously and without prevention, in accomplishing the great work of the peace; the conditions whereof will soon be settled to the common satisfaction, provided we agree on the means to prevent the union of the two monarchies of France and Spain. You see, Sir, I am still of the same opinion.

Each of our allies has his own private ends; they are not at all perhaps limited within the bounds of reason; there are several, besides inconsistent one with another. It is not necessary these points should be so strictly taken notice of; and reciprocal condescensions will not fail reducing all these differences to a just and reasonable medium. But the article concerning the union of the two monarchies, is of that nature and importance, that the least false step to it cannot but prove fatal; and all the advantages that could possibly be stipulated would be paid for too dearly, in accepting of an expedient too weak to obviate a real a danger.

I must confess, Sir, that second notions prove better than the first, and that they clear up many difficulties, at the same time that they dissipate most of our apprehensions. To avoid all equivocation, and to prevent the least misunderstanding on so nice a subject, you will give me leave to explain in what sense her majesty takes the words you make use of, and the scheme you offer by the king's order. You propose then, that the prince, who at present reigns in Spain, shall not wait according to your former plan, that the crown of France falls to him, for to choose which of the two he likes

best; but that as soon as he becomes either immediate successor of the crown of France or presumptive heir, he will be obliged to declare his choice; and you settle the same rule for his issue.

Now, Sir, the queen thinks the objection which has been made to your former proposition may, in some measure, take place as concerning this. for in either of the two cases you lay down, how will Europe be certain that such a choice will be made? All the powers, you say, will be guarantees of that convention; such a guaranty indeed may form a grand alliance, to wage war against the prince who will offer to break the conditions of the treaty: but we seek the means rather to prevent than support new wars.

Finally, Sir, must not one confess that there appears no expedient effectually able to secure Europe from the dangers wherewith it is threatened, by the union of the two monarchies, unless the prince, who at present is in possession of Spain, makes his choice at this very instant, and unless, according to that choice, the order of the two successions be settled in the general treaty of peace?

Her majesty remarks with very great pleasure, that this plan does not much differ from that which his most christian may say his caused to be communicated to her. Let us, in the first place, argue, if you please, on the supposition, that the above mentioned prince will chuse the crown of his ancestors preferably to that of Spain.

There is in nature but one case alone, that may happen to render our proposal less advantageous to him than yours

Pardon me, Sir, if I make two suppositions very disagreeable, but necessary for the better understanding the question. we are examining if the young dauphin should chance to die, the prince we are talking of would be immediate successor of the crown of France; in this case then he can lose nothing in choosing the crown of France now aforehand.

His most christian majesty (whom God preserve for many years) happening to die, the same prince would be presumptive heir of the crown of France. In this case, how should he be a loser, in making his choice as the queen desires? Can it be said he runs the hazard to quit Spain, without gaining France? You see, Sir, he would be exposed to the same inconveniency by your own scheme. From all that I have said, the queen's opinion is, Sir, that it follows, it will equally be advantageous to the prince now in question, to chuse the crown of France at present, or to do it in any of the two circumstances set down in your letter; and you will be doubtless convinced, that the security of Europe will be established infinitely better one way than the other

If we argue on the supposition that this prince will chuse the crown of Spain, it is beyond dispute, in the first place, that it is much better for him and for us, that this declaration should be made during the congress at Utrecht, than at any other time. Secondly, that the guarantee of the powers of Europe will be much abler to prevent his return to France, contrary to the formal renunciation that he shall have made of this right, than to force him to quit a crown, whereof he will be in possession, and to depart from a pretension which he has not renounced.

I have as clearly as possible, laid before your eyes, Sir, the queen's thoughts on the contents of your last letter: her majesty seeks but the common safety; the must christian king has the same views In God's name, to be over-nice in the negotiation, let us not lose those benefits which we are ready to reap. Let the king your master, and the queen my mistress, share in the glory of giving peace to Europe; and let those, who are desirous to break the conferences by the events of the campaign, find their projects overturned, by the speedy conclusion of the treaty.

On one hand, his most christian majesty may secure the peaceable possession of the crown of Spain to his grandson; on the other hand, he may strengthen the succession of the crown of France, for ever prevent the union of the empire with Spain, and procure to his kingdom very considerable advantages: on both sides he may set Europe free from apprehensions and fears, and perfect a work as glorious as that of a definitive, secure and lasting peace.

By the letters of Messieurs the plenipotentiaries, dated the 12th instant, N S. I understand we are to expect, within a few days, the arrival of M. Gaultier; and that he is to bring with him a plan of the general peace which was formed at Utrecht We hope his most christian majesty will explain himself on that subject, after such a manner, as the queen may make the necessary declarations to secure the success of our negotiations. I will tell you, as a man who most sincerely wishes for peace, that the condescensions that may be accepted from the queen, depend on the resolution which will be taken concerning the grand article of the union of the two monarchies. I am, &c.

HENRY ST. JOHN.

No. 19.

M. Torcy to Mr. St. John. April 26, 1712.

They easily agree, Sir, where intentions are sincere, and desires equal on both sides to arrive to the same end. I observed with a great deal of satisfaction, by the letter you honoured me with of the 6th instant, O. S. that the plan I proposed to you, has cleared several difficulties, and dissipated many occasions. I hope likewise, that the answer you returned in it, will perfect the work begun.

According, Sir, to what you writ me, the only difference there is between the proposition I made to you by the king's command, and the project of the queen, depends entirely on the time when the king of Spain shall declare the

choice he intends to make, either to maintain his right to the crown of France, or keep that of Spain.

In my proposition, the making his choice was referred to the time, when this prince should become either immediate successor, or presumptive heir, of the crown of France: and the same condition was observed in respect of his progeny.

You observe, Sir, that in deferring till then a choice so essential to the tranquility of Europe, it cannot be certain that there will be one made, if ever such an unhappy occasion should happen, that the guaranty of all the powers, who shall be concerned in the treaty, shall form a sufficient alliance to declare war to the prince who should violate the conditions of the peace: but the end that ought at present to be proposed, is, to hinder the renewing of the war, and not to seek means to support those which should arise upon this occasion.

You then conclude, that to prevent the reunion of the monarchies of France and Spain it is necessary that the catholic king should now declare his choice, without waiting the unhappy event, which we hope will never happen, but that it must, in the mean time, be supposed, and care taken, that this choice may establish the order of the succession, by the treaty of the general peace.

Your observations, Sir, and the consequences which may be drawn from them, are equally just; the catholic king must calm the uneasiness of Europe, in declaring at present what part he will take, if ever the succession of France is open in his favour. Indeed it will be perhaps some unaasiness to him, to declare at present to the Spaniards, that he would abandon them, and go to France, if one of the two cases, which you suppose, should happen. A nation, uncertain of the master she shall have, may prove less faithful to him that actually reigns; but this inconvenency ought to submit to the general good. Thus, sir, the king, approving your proposition, dispatches a courier to Spain, and writes to the king his grandson, to let him know the necessity of resolving on the choice he will make, and declare it; to the end it may be inserted in the treaty of the general peace, and that it be made a condition of it whereof all Europe shall be guarantee

I hope, Sir, that king of Spain will conform himself to the counsel of the king; but if it should happen, what I cannot believe, that he will not submit to it, his majesty will take all the measures the queen of Great Britain shall judge proper, to determine of necessity, and even by force, the choice of the king of Spain, and to secure to Europe the peace, which at present appears so advanced.

I am confident there will no occasion be given of coming to such an extremity; but the king is willing I should inform you of his resolution in this matter, as being a new mark of the sincere and true desire of his majesty, for the ready conclusion of a safe and solid peace. I look upon it at present very much advanced, and that the principal difficulty, which might still render it more acceptable, seems removed, but in the mean time, we must expect new difficulties from those who would willingly break the conferences. I believe the best way to subvert their designs would be for the queen of Great Britain to propose immediately a suspension of arms, for they ground their hopes on the event of the campaign. And as I find, by your letter that her Britannic majesty is disposed to make the necessary declarations for establishing the success of the negotiations, it is my opinion that the proposition of a suspension might make part of those declarations.

I have detained Mr. Gaultier here some days longer than he ought to have stand in expectation of your answers, thinking it necessary he should be informed of your sentiments before he sets out for England; he will inform you, Sir, of the king's intentions on the demands of your allies. I hope, that as the most difficult point is now regulated, you will have respect only to the justice and solidity of the peace; and that the queen of Great Britain, acting by these great motives, will give the last marks of the desire she has to establish with the king a perfect good correspondence.

I received, Sir, by the same courier, the letter you honoured me with of the 11th instant O. S. I am very sorry for the indisposition of my lord treasurer, and earnestly wish his immediate recovery. It is very reasonable that those who have had, like you and him, the principal part in the management of the peace, should have the honour to bring it to perfection. I hope we shall soon see the success of it, and desire you will believe that, at all times whatsoever, no one shall be with greater truth than I am, Sir, &c.

Dr Torcy.

No. 20.

Mr. St. John to M. de Torcy. April 29, 1712.

Sir; The plan you proposed, in your letter of the 5th of April, appeared to us to remove many difficulties, and dissipate divers causes of fears; but by reason of having misunderstood the intentions of the king, and ill explained those of the queen, we now find ourselves farther, than we had hoped, from agreeing upon the grand articles of the peace.

It is very true, that the only difference there is between the proposition you made me by the king's order, in the sense we comprehended it, and that which I sent you by order of the queen, relates only to the time when the prince in question shall make his choice, either to preserve his right to the crown of France, by renouncing that of Spain, or to keep that of Spain, by renouncing that of France. But you do not propose herein, Sir, that the execution shall accompany the choice, which is absolutely necessary to render this peace definitive.

The abbot Gaultier explains quite otherwise the king's intentions; and I observe that you

sty the prince, who reigns in Spain, must calm the inquietude of Europe by declaring now the part he will take, if the succession of France is ever opened in his favour. After this manner our great work will not be much advanced by the last proposition.

If we had understood according to the explication that you now give it, you see, sir, that we should have fallen into a very great absurdity; since in rejecting your project, we should have drawn up another, against which all the objections we made, and which were found even in France just and well founded, would have equally taken place. For though the prince, who reigns in Spain, makes his choice from this time, what greater security shall Europe have, if the execution of this choice is referred to another time? In offering that he shall be obliged to declare his choice from this time, you are already agreed that neither the stipulations of a treaty, nor the guarantee of the powers engaged in this war, can be capable to secure that the choice shall be made; how then can we conclude that they can be capable to secure that, when either of the cases shall happen that we are with regret obliged to foresee, and to suppose, he will quit one crown to hold another, according to the choice that he shall have made, and which shall have been inserted in the treaty of the general peace?

The queen has often declared that it would be impossible for her to be contented with any expedient, which was not very solid, touching an article of so great importance as that of the re-union of the two monarchies. To do otherwise, would be to lose the fruits of all the blood the allies have spilt in the course of this war, it would be at last to betray the common cause of Europe, and to expose the present age, as well as those which are to come, to one of the greatest dangers that the imagination can form.

Her Majesty sincerely desires the peace, she desires it reasonable for France; but to come to this issue, the interest of France must not be rendered inconsistent with the general security.

It must be done so as the time can never happen, in which the same prince shall have both the crown of Spain upon his head, and his succession open to that of France.

If this prince of whom we speak is not contented with Spain; or if France will not, in passing him by, too much weaken their succession; must we for this reason, the peace being made, take up arms, and be in a continual apprehension of seeing the war renewed? The queen can never consent thereto, and her majesty thinks there is not one of the allies who will submit to so hard a condition.

To shew nevertheless that she is ready to contribute all in her power to satisfy his most christian majesty, without wounding her honour, and without sacrificing her interests and those of her confederates, the queen orders me sir, to propose to you an expedient, by which King Philip may preserve his right to the crown of his ancestors, and find a recompence for Spain, which in this case he shall be obliged to abandon.

Her Majesty therefore proposes, that the prince does immediately retire with his family out of Spain, that the duke of Savoy do transport himself thither at the same time with his, and take possession of that monarchy and the Indies that King Philip may enjoy the kingdom of Sicily, the hereditary countries of his royal highness, with the Montserrat, Montunn, and in case he succeeds to the crown of France, that Sicily returns under the obedience of the house of Austria, but that the other countries may remain to him, and be hereafter looked upon as provinces of France. The queen would desire that this proposition might appear to come from his most christian majesty, to be an effect of his moderation, and a sacrifice that he is willing to make, to draw Europe out of the disorder it is now in, and to re-establish the general tranquillity.

Her majesty thinks she has now given all the facilities in her power to conclude the peace, and hath asked nothing but what is necessary for accomplishing that promise which the most christian king made, when he declared himself ready to take all just and reasonable measures to hinder the crowns of France and Spain from being ever re-united upon the head of one and the same person.

The queen commands me to add, that she hopes the propositions I have made by her order, will be accepted; but however she insists that the answer you send me be categorical and final.

The circumstances we now find ourselves in, as well as the season of the year, do not admit that we remain in any longer uncertainty, whether we shall have war or peace.

The parliament, to whom her majesty hath promised the communication of what she should treat on the subject of peace, will become impatient: and the queen cannot excuse herself from communicating to them the answer she shall receive to this letter. The armies are in the field, and the events of one day's time may intirely change the face of affairs: how much soever disposed the queen is to facilitate the negociation of the peace, and to save the effusion of blood, she cannot however declare for a suspension of arms, before she knows the resolution of the most christian king, upon the expedient proposed to prevent the re-union of the two monarchies.

If I tell you nothing, sir, touching the plan of the general peace, which the abbot Gaultier also brought us, it is because the queen does not look upon the differences which it contains as too difficult to be adjusted, provided the article of the re-union be once passed, and because if we are not happy enough to succeed in treating of this expedient, it would be but a needless trouble to negociate upon other points. I am, &c. H. St. John.

No 21.

M. de Torcy to Mr. St. John. May 18, 1712.

Sir; I have received the letter you did me the favour to write to me of the 10th instant, and am very sorry to see there was so great difference, as you tell me, between the proposition you made me by order of the queen, and the answer the king commanded me to make to you; for want of understanding one another, we have unhappily lost a time, of which every moment is precious; and now we must have a new decision from the king of Spain, upon a plan which had been proposed to him in a different sense to what you understood it.

I confess, sir, I should fear that this explication would produce new difficulties at the court of Madrid, if the king had not resolved to surmount all the objections her majesty can make upon an article which is to be the basis of the peace, and likewise to sacrifice the interests of his house for the re-establishment of the public tranquility.

It is therefore to remove these difficulties, that the king now makes two propositions to the king his grandson: First to renounce by the treaty of peace, for himself and his descendants, all his right to the crown of France, and content himself with Spain and the Indies.

The second, to preserve his right to the crown of France, but at the same time to yield Spain and the Indies to the duke of Savoy, and content himself, in exchange, with the countries the duke of Savoy now possesses; that is to say, with the principality of Piedmont, the dutchies of Savoy and Montserrat, and county of Nice. Lastly, to keep the kingdom of Sicily, whereof the catholic king is now master. Provided always that if he should one day come to the crown of France, he should keep only the countries now belonging to the duke of Savoy, and that in this case the kingdom of Sicily shall belong to the house of Austria.

It were to be wished that the king could at present know the intentions of the king his grandson, upon one or the other of these two alternatives; but we must unavoidably wait for the return of the courier that his majesty dispatches to Madrid

He has commanded me nevertheless to assure you, that the treaty of peace shall be made upon the basis of the one or the other of these two propositions; viz. Either the king of Spain shall renounce his right to the crown of France, to keep only Spain and the Indies; or that he shall consent to the exchange of Spain and the Indies with the estates of the duke of Savoy, on the conditions I have now acquainted you with. You are therefore, sir, to look upon what I write to you by the king's order, as the final answer that you desire, and which ought to remove all uncertainty upon the peace, or upon the continuation of the war.

It is probable, sir, that the peace would still be more certain, if a suspension of arms could be agreed upon on both sides, and might, since at present each side may well expect an happy conclusion: but it must be left to the prudence of the queen to examine what she shall think most agreeable to the general good, which she desires as much as any person

It would be very sad, if any event should happen during the campaign to disturb the good dispositions which are now apparent for establishing the public tranquility. I hope, sir, you will very soon give the last hand thereto; and I pray you to believe, that no one can honour you more perfectly, nor be more truly than I am, sir, &c.

De Torcy.

No. 22.

Memorial *from Mr. St. John to M de Torcy, relating to North America, Commerce, and the Suspension of Arms, May* 24, 1712. *O. S.*

To end all disputes arisen about North America, the queen proposes:

1. That his most christian majesty should yield to her the island of Newfoundland, with Placentia, and all the fortifications, artillary and ammunitions thereto belonging, the little adjacent islands, and the nearest the island of Newfoundland; as also Nova Scotia, or Acadie, according to its ancient limits.

2. That the subjects of his most christian majesty may continue to fish, and dry their fish, upon that part of Newfoundland which is called the Petit Nord, but on no other part of the said island.

3. That his majesty's subjects may enjoy in common with the queen's, the island of Cape Breton.

4. That the islands in the Gulph of St. Laurence, and in the mouth of the river of that name, which are at present possessed by the French, may remain to his most christian majesty; but expressly upon condition that his said majesty shall engage himself not to raise, or suffer to be raised, any fortifications in these islands, or in that of Cape Breton. The queen engages herself likewise not to fortify, or suffer any fortifications to be raised in the adjacent islands, and those near Newfoundland, nor in that of Cape Breton.

5. The queen insists to have the cannon and ammunitions of war, in all the forts and places of the bay and straights of Hudson.

Relating to Commerce.

As some difficulties are arisen, which hinder our giving the finishing stroke to the treaty of commerce between the two nations of Great Britain and France, so soon as could have been wished, by reason of many prohibitions made, and many excessive duties established in the said kingdoms, And as it is necessary for the subjects of both sides, that the commerce between the two nations be opened, and have its effect as soon as possible; the queen would have many propositions to make to his most chris-

tian majesty thereupon; But as these points would require a longer time to be discussed than the present crisis does permit, the queen being more inclined to confirm the general tranquility, than private advantages, contents herself with making two demands, which she believes can meet with no difficulty.

1. That in case we do not agree upon the points in dispute, relating to commerce, commissaries be named on each side, who shall meet at London to examine and regulate the duties and impositions that shall be paid in each kingdom: and that they be adjusted in such a manner, that by it the commerce between the two nations be encouraged and enlarged.

2. That no privilege or advantage in regard to the French trade, shall be granted to any foreign nation, which shall not be granted at the same time to the queen of Great Britain's subjects In like manner, no privilege or advantage relating to the trade of Great Britain, shall be granted any foreign nation, that shall not at the same time be granted to the subjects of his most christian majesty.

Relating to the Suspension of Arms.

The Queen will consent to a suspension of arms for the term of two months, upon condition,

1. That in the said term, the article which relates to the re-union of the two monarchies shall be punctually and entirely executed. That is to say, either that king Philip shall renounce in that term, for himself and his descendants, his rights to the crown of France; and shall consent that his renunciation be inserted in the treaty for a future peace; or that in this term he shall leave Spain with his family, yielding up that kingdom and the Indies to the duke of Savoy, on the conditions mentioned in my letter of the 29th April, O. S. and accepted by that from M. de Torcy, of the 18th of this month, N. S.

2. That the French garrison shall go out of the town, citadel, and forts of Dunkirk: and that the queen's troops shall enter it the day the suspension of arms shall begin; and that that place shall remain in the queen's hands till the States General shall have consented to give his most christian majesty an equivalent for the demolishing of it, with which he shall be contented. It being understood, that in this case his most christian majesty shall be obliged to demolish all the fortifications of that place, to fill up the harbour, and destroy the sluices, in the manner the queen's plenipotentiaries have required.

3. In case the States General do consent to a suspension of arms at the same time with the queen, it seems reasonable to grant them the liberty of putting a garrison in Cambray, on the day the said suspension shall have its effect.

H. St. John.

No. 23.

The Answer of the King to the Memorial sent from London, June 5, 1712 N. S.

Marley, June 10, 1712.

Art 1. His majesty consents to yield to the queen of Great Britain the Isla of Newfoundland, with the city of Placentia, as now fortified; but the artillery and ammunition with which that place is provided, shall be taken from thence, and shall not be comprehended in the cession which shall be made of that place, and of the Island; for they are not to be esteemed as belonging either to the one or the other; and to use a common comparison, one may look upon the artillery and ammunition of a place as moveables of an house, that a private man carries away with him when he yields that same house by a voluntary contract.

The Isles adjacent to that of Newfoundland were neither demanded nor promised by the articles signed at London in the month of October last: As these articles have served as a rule in the beginning and in the progress of the present negociation, the king's intention is to follow exactly the same rule, as the most sure one to come to the conclusion of the treaty; and his majesty is persuaded that the queen of Great Britain, faithful to her word, will not insist upon a new demand, and which does not appear in the convention signed in the name of that princess.

The king is willing to add to that convention the cession of Acadie according to its ancient limits, as it is demanded by the queen of Great Britain.

2. The articles signed at London reserve to the subjects of the king the power of fishing and drying of cod-fish upon the isla of Newfoundland. A disposition, made and agreed to, can neither be restrained, nor receive any alterations but those which are reciprocally judged to be conformable to the common advantage.

Upon this foundation the king offers to leave to England the artillery and ammunition of Placentia, the isles adjacent to that of Newfoundland: to forbid the French the liberty of fishing and drying of cod-fish upon the coast of that isle, likewise upon that part called the Petit Nord; to add to these conditions the cession of the isles of St. Martin and St. Bartholomew, adjoining to that of St. Christopher, if for this new offer the queen of Great Britain consents to restore Acadie, of which the river of St George shall hereafter make the boundaries, as the English heretofore pretended to it.

It is therefore at the choice of the queen of Great Britain, either to keep to the articles signed at London, or to accept the exchange that his majesty proposes. In this last case his majesty will endeavour to facilitate all that shall depend on him, to conclude the affair of the ransom of the island of Nevis to the satisfaction of England.

3. As the perfect good understanding that the king proposes to establish between his subjects and those of the queen of Great Britain, will, if it please God, be one of the principal advantages of the peace, we must remove all propositions capable of disturbing this happy union, experience has made it too visible, that it was impossible to preserve it in the places possessed in common by the French and English nations; so this reason alone will suffice to hinder his majesty from consenting to the proposition of leaving the English to possess the isle of Cape Breton in common with the French. But there is still a stronger reason against this proposition, as it is but too often seen that the most amicable nations many times become enemies, it is prudent in the king to reserve to himself the possession of the only isle which will hereafter open an entrance into the river of St. Lawrence, it would be absolutely shut to the ships of his majesty, if the English masters of Acadie and Newfoundland, still possessed the isle of Cape Breton in common with the French; and Canada would be lost to France as soon as the war should be renewed between the two nations, which God forbid, but the most secure means to prevent it, is often to think that it may come to pass.

4. It will not be dissembled, but it is for the same reason that the king is willing to reserve to himself the natural and common liberty as all sovereigns have, to erect in the isles of the gulph and in the mouth of the river of St. Lawrence, as well as in the isle of cape Breton, such fortifications as his majesty shall judge necessary; these works, made only for the security of the country, can never be of any detriment to the neighbouring isles and provinces.

It is just that the queen of Great Britain should have the same liberty to erect what fortifications she shall think necessary, whether in Acadie or in the isle of Newfoundland: and upon this article the king does not pretend to exact any thing contrary to the rights which the propriety and possession naturally give to that princess.

5 The king is willing, through a particular consideration of the queen of Great Britain, to leave to her the cannon and ammunition which shall be found in the forts and places of the bay and streights of Hudson, notwithstanding the strong reasons that his majesty may have to take them from thence, and transport them elsewere.

Article of Commerce.

As the king sincerely desires that all cause of division between his majesty and the queen of Great Britain should cease as soon as may be, it would be very agreeable to him to see all disputes relating to commerce settled at Utrecht between his plenipotentiaries and those of England, But if it is impossible to remove the difficulties about this matter before the conclusion of the peace, rather than to delay it, his majesty consents to the two demands made in the name of that princess.

1. To name commissaries, who shall meet at London to examine and regulate the duties and impositions to be paid in each kingdom.

2. That France and England do reciprocally engage to give to the subjects of both crowns the same privileges and advantages, with which any nation whatsoever shall be favoured.

Article of a Suspension of Arms.

So short a term as two months will still leave, to the enemies of peace, hopes of being able to disturb the negotiation before the end of the campaign. The king, persuaded of the good intentions of the queen of Great Britain, thinks it for the common good, to extend this term to four months

1 It ought to be sufficient to compleat the surmounting all the difficulties of the treaty, the principal being already removed, by the firm resolution that the king of Spain hath taken, to renounce for himself and his descendants to the crown of France, and to keep Spain and the Indies; and this renunciation shall be inserted in the treaty of peace.

2 After having established the beginning and the course of the negotiation upon a good faith and mutual confidence, of which the happy effects are already felt, we must banish all distrust, and even the appearance of suspicion, when each party comes, in their proposal, near the end that both sides propose to themselves. The king leaves the equity of the queen of England, to judge, whether the demand of putting an English garrison into Dunkirk, during the suspension of arms, has nothing in it disobliging to him; and if the public would not look upon it as a doubting his majesty's exactness to satisfy his promises. He knows that the queen of England is very far from harbouring such a thought, having received too many proofs to the contrary. The king also having for a long time looked upon the queen as a friend, notwithstanding the continuation of the war, is persuaded that she will desist from such a demand, not only as being useless, but capable of producing an effect, contrary to the intentions of that princess.

For it is certain the aim her majesty has, is only to oblige the Dutch readily to give the king an equivalent for the fortifications of Dunkirk, which his majesty promises shall be demolished.

We must then overcome their stubbornness, and let them see, that if they persist, the damage thereof shall fall upon themselves; but it is not threatening them, to declare to them that the English troops shall keep the city, the citadel, and the forts of Dunkirk, till the States General shall have given to the king an equivalent, wherewith his majesty shall be satisfied. The king alone would suffer by the new obstacles they will raise against the peace; and it is by contrary ways that that republic must be constrained to become more flexible.

As it is the king's true intention to press the demolition of all the fortifications of Dunkirk in general, his majesty proposes, that immediately after the signing of the treaty of peace with the queen of Great Britain, a body of English troops shall encamp under Dunkirk; and that those troops, the number whereof shall be fixed, may jointly work with his, in ruining all the fortifications.

The condition of filling up the port, and ruining the sluices, depends, as the king has explained himself, upon the restitution that his majesty has demanded of Tournay and its district. He renews again the same engagement. The ruin of the Sluices will occasion the ruin of the country adjacent to Dunkirk, friends and enemies will equally suffer thereby. The king could wish to save this needless destruction, which the queen of Great Britain has not perhaps enough considered. His majesty is willing that this be again offered to the queen's consideration, though he is resolved to do, upon this article, what shall be most agreeable to that princess, for the restitution of Tournay and its district.

3. The peace is necessary to all Europe; the king desires it as a general good, and his majesty looks upon the suspension of arms as a means almost necessary to attain it: but he would refuse all suspension, would break likewise the negotiation of peace, if either the suspension or peace depended upon the admitting the Dutch garrison into Cambray, during any space of time that may be. He will never consent to a proposition so contrary to his honour, to his interest, and to the good of his kingdom. Given at Marly, 10 June, 1712.

DE TORCY.

No. 34.

Articles proposed by the Queen of Great Britain for a Cessation of Arms: with his Majesty's Answers.

ART. 1. The queen will consent to a cessation of arms for the space of two months, which may be prolonged to three or four months.—*Ans.* The king agrees to the same.

2. During the time of this cessation, endeavours will be used for concluding the treaty of the general peace: at least, the article relating to the union of the two monarchies shall be punctually executed; that is to say, king Philip shall renounce, during that space of time, in due form, for himself and his issue, to the crown of France. This renunciation shall likewise be accepted by the most christian king, and ratified in the most solemn manner by the States of the kingdom of France.—*Ans.* During the time of this cessation endeavours will be used for concluding the treaty of the general peace; at least, the article relating to the re-union of the two monarchies shall be punctually executed, that is to say, the king of Spain shall renounce, during that space of time, in due form, for himself and his issue, to the crown of France. This renunciation shall be accepted by the most christian king, published, and registered in all the parliaments of the kingdom of France in the most solemn manner. His letters patents granted by his most christian majesty to the king of Spain, his grandson, in the month of December, 1700, for preserving his rights to the crown of France, notwithstanding his absence out of the kingdom, and then registered in the parliament of Paris, shall be taken out of the registers of the said parliament, and with the consent of that prince shall be repealed and annulled.

The succession to the said crown shall be declared and adjudged, after the dauphin and his issue, and successively to the other princes of the house of Bourbon, to the absolute exclusion of king Philip and his issue.—*Ans.* The king agrees to the same.

The duke of Berry and the duke of Orleans shall renounce for themselves and their children, to any right to the crown of Spain—*Ans.* The king agrees thereto.

The States of this kingdom shall accept and agree to this renunciation in a proper manner. —*Ans.* The king agrees to the same.

All the parties beforementioned shall agree by authentic acts to acknowledge, as successor to the crown of Spain, after king Philip and his issue, the prince that shall be agreed on in the future treaty of peace.—*Ans.* The king agrees thereto.

3. The French garrison shall march out of the town and citadel of Dunkirk, and the forts thereto belonging; and the queen's troops shall come into the same from the day the cessation of arms begins: and this place shall remain in the hands of the queen, until the States General have agreed to give to his most christian majesty such an equivalent for the demolition of that place, as he may be satisfied with. Provided, that in this case his most christian majesty shall be obliged to demolish all the fortifications of that place, to fill up the port, and destroy the sluices in such manner as the queen's commissioners have desired it.—*Ans.* The king agrees thereto.

4. As the queen, in her demands, has no other view than to have some kind of a pawn for securing the execution of the article relating to the re-union of the two monarchies, her majesty does not pretend any way to concern herself with disturbing the civil government of the town of Dunkirk: but on the contrary, she orders me to give assurances on her part, that she will give the necessary orders, that all things may remain and continue on the same foot they are actually in: That it shall be lawful for the king's ships, and those of private persons, to go out and come into port as often as shall be necessary, without being hindered under any pretence whatsoever: And that all the king's ships, as well as others belonging to private persons, and all their ef-

fects, shall be as much in safety as they are now. Given at Whitehall the 6th of June, O. S. 1712 H. St. John.—*Ans.* As the queen, in her demands, has no other view than to have some kind of pawn for securing the execution of the article relating to the re union of the two monarchies, her majesty does not pretend any way to concern herself with disturbing the civil government of the town of Dunkirk: but on the contrary she orders me to promise on her part, that she will give the necessary orders, that all things may remain and continue on the same foot they are actually in: That it shall be lawful for the king's ships, and those of private persons, to go out and come into port as often as shall be necessary, without being hindered under any pretence whatsoever: And that all the king's ships, as well as others belonging to private persons, and all their effects, shall be as much in safety as they are now. And that his majesty's officers who have the care of the magazines belonging to the sea or land, shall stay in the said town of Dunkirk; where they shall continue to exercise their calling during the stay of the English troops. Given at Marly, the 22d of June, 1712.

De Torcy.

No. 25.

Instructions *for our right trusty, and right intirely beloved counsellor, James Duke of Ormonde, Captain General and Commander in Chief of our Forces, acting in conjunction with those of our Allies in the Low Country.*

A. R.

You are with all possible diligence to repair to the Hague, and to acquaint the pensionary, that, having appointed you to command our army in the Netherlands, we have given you orders to see him before you go to put yourself at the head of the troops. You are to express to him the resolution we are in of pressing the war with all possible vigour, until the enemy shall agree to such terms of peace, as may be safe and honourable for us, and for our allies.

You are further to say to this minister, that you are prepared to live in a perfect good correspondence with all the generals of the allies, and particularly with those of the States; and that you hope, you shall find the same inclination on their part, to which his (the pensionary's) good offices will extremely contribute. You are, after this introduction, to desire the pensionary to inform you what plan has been agreed upon for the operations of the campaign.

As soon as you arrive at the frontier, you are to meet with the prince Eugene, and such others of the generals as shall be in the secret, and with them to concert the proper measures for entering on action.

You are to take the first, and every opportunity of reviewing all such regiments as are paid, either in the whole, or in part, by us, and to certify to us the numbers and condition of the several regiments of horse, foot, and dragoons.

You are likewise from time to time to correspond with one of our principal secretaries of state, and to transmit constant accounts of your proceedings, and of all occurrences which may happen.

Given at our court at St. James's the seventh day of April, 1712, in the eleventh year of our reign.

A. R.

No. 26.

Letter *from the States Deputies to the Duke of Ormonde, June 4, 1712.*

My Lord; The States General, our masters, have ordered us to represent to you, that it is with the greatest surprise in the world, they have received from us the news of the declaration you have made, that you could not undertake any thing before you had received letters from England; and the refusal you have made to concur to a siege, or to a battle. They have directed us to acquaint you, that it appears to them incomprehensible and unanswerable; that by this means hold is not taken of the advantage one has over the enemy both with respect to the quality and number of the troops, and with regard to the situation of the armies; and that an apparent opportunity is neglected of obtaining, with the blessing of God, a great advantage over the common enemy. That this occasion, being once missed, will perhaps never offer itself any more; whereby the common cause will suffer a loss which can never be repaired.

Their high and mightinesss cannot in the least comprehend, that the order sent you can be so general, as to bind you on so fair an opportunity as this is, from annoying the enemy; but that it appears to them, that such orders must be understood in a good sense, to temporise a little, in case the common cause does not thereby suffer a considerable disadvantage; but not at all to stand in a situation were inaction takes away all hopes from undertaking any thing hereafter, and whereby consequently the damage becomes irretrievable to the common cause, since the army remaining some time without doing any thing, the forage is consumed and the operations afterwards become not only very difficult, but even impracticable; besides that time is left thereby to the enemy to intrench themselves, and to fortify their country as much as they please.

It is for all these reasons, my lord, that our masters have enjoined us to persuade you not to do so great a wrong and prejudice to the common cause of all the high allies, as it would be, if you should persist not to concur any way to the operations of the campaign, as the reason of war, and the present situation of the armies, seem to require it. They have directed us to support the aforesaid reasons, particularly with this, that the army which you command

does not only consist of the national troops of the queen of Great Britain, but likewise, for the most part, of the troops in the joint pay of her majesty and the States, over which it is true, that the command, as first and chief general, belongs to you; but as they are engaged by both powers together, to make war, and to act against the enemy, they cannot be withdrawn from so doing by you alone, without communicating the same to their high and mightinesses, and without their approbation, unless one will act contrary to the treaties, and to the ends for which they are engaged. They have likewise ordered us to represent to you, my lord, that not only the treaty of the grand alliance among the high allies, but also particular treaties made between the queen of Great Britain, and their high and mightinesses, oblige her majesty to carry on the war with vigour; but that the declaration you have made, that you cannot undertake any thing till further order, at a time that, with your communication and approbation, the army marched in sight of the enemy, and wherein all circumstances seemed favourable to undertake something, with probable hopes of success; such a declaration we say, cannot be reconciled with the said treaties, nor with the repeated assurances the queen of Great Britain was pleased to give their high and mightinesses as well by her letters, as by the mouth of the earl of Strafford, her ambassador extraordinary, whereby she declared, that her troops should act with as much vigour as should be requisite for continuing the war.

That, yourself, my lord, being sent to that end hither, gave their high and mightinesses the same assurances of, during your stay at the Hague.

And that therefore they order us, to admonish you on the good faith of treaties and alliances, and upon the aforesaid assurances, to push on the operations of war, and to annoy the enemy as much as possible.

But in case you persist unhappily in the design not to order her majesty's troops to act offensively; our masters order us to ask you, my lord, if you will make any difficulty to employ the said troops to cover a siege that might be undertaken; Provided also, you promise positively to cause them to act against the enemy, if they should come to attempt any thing.

In case, my lord, of no unexpected refusal, they have charged us, to protest in the most effectual manner, and in the strongest terms (as we do solemnly by this) against the irretrievable damage the State and their high allies suffer thereby, and against the prejudice common cause undergoes by such conduct.

And, that they may know how to proceed, we must ask you positively, my lord, wherein your orders strictly consist not to act, how far they reach, and how much one may depend upon the troops of Great Britain.

Finally, we require, on their parts, that no hindrance be given to the troops in joint pay to act according to the reason of war in pursuance of the treaties and solemn engagements.

This, my lord, our masters have ordered us to represent to you by word of mouth, and in writing, that all the world, and even posterity, may see, that their high and mightinesses, far from being guilty of so great a detriment to the common cause, as is the inaction of this day, have done all that lay in their power to prevent the ill consequences thereof, and that it must belong to others to answer for the unhappy events that might arise therefrom. We desire you, my lord, that you will please to give us an answer in writing thereupon, as satisfactory and speedy, as the importance of the affair, and the interest of all the high allies, require it. Written thus at the camp at Avesne le Secq

The 4th June, 1712. W. Hooft, W. V. Haartsolte, P. F. Vegilin, Van Claerbergen.

No. 27.

Whitehall, June 20, 1712. Mr. Secretary St. John to M. de Torcy.

Sir; I received, the 14th of this month, O. S. by la Vigne, your dispatches of the 22nd of the same month, N. S. and I only waited for the duke of Ormond's letters to send you my answer. These letters are arrived this morning, and at the same time your courier put into my hands that which you did me the honour to write to me the 27th of this month.

The particulars which the duke of Ormond gives of what has passed, are entirely conformable to what you observed to me; and I have not failed reading all the dispatches to the queen. Her majesty, sir, commands me to tell you, that it is with the most sensible pleasure; she sees that the enemies to peace find still the means to retard its conclusion, in exposing the negotiation (which must lead us to it) to new difficulties and new dangers. But as her majesty has taken a firm and immoveable resolution, not to give way, in any manner, to the obstacles which shall be raised, and on the contrary to continue to labour jointly with the king to re-establish the general tranquillity, she doubts not but we shall be in a condition to make abortive this last effort of those, who would buy their advantages, or satisfy their particular resentment, at the cost of prolonging the miseries of the war. I believe when you shall have read over my letter, you will be convinced of this truth.

I have this moment been speaking by the queen's order, to all the ministers who are now here, whose princes troops are in the sole pay of her majesty, or in her joint pay with the States. I have declared to them, in the name of the queen, that she will look upon the conduct of their master's generals, at this juncture, as a declaration of those princes either for or against her; since nothing need be done to secure a peace, but to follow the plan which

the queen has made, or to follow that which the emperor and the States General have formed to break the negotiations. That her majesty could not persuade herself, that if they would once more reflect on it, their generals would stick a moment to obey the orders of the duke of Ormond. But I declared to them that if they did, her majesty would furnish no more pay to the troops.

I have given them to understand that the courier, which I dispatch this night to the army, will carry the letters which they shall think proper to write to their general officers, upon what I just then told them, and that it was time they came to a resolution, since by the same courier the duke of Ormond would receive the queen's orders not only to make the same declarations, but in case they should refuse to obey him, to put these declarations in execution.

The queen, sir, persuades herself that this proceeding will hardly fail of having its effect. But she commands me at the same time to communicate to you the resolution she has taken in case some of the foreign troops persist to remain with prince Eugene's army In this case the duke of Ormond will retire with the English forces, and all those that will march off with him, which will not be, I suppose, the least part: and will declare that the queen will not act any more against France, nor pay those that shall. And her majesty, who till now has kept measures with her allies, driven by them to such extremity as this, will think herself justified before God and men, in continuing the negotiation either at Utrecht or elsewhere, without troubling herself if they concur with it or not. Thus, sir, you may assure yourself, and I have order to promise you in the name of her majesty, that if the most christian king puts the town, citadel, and forts of Dunkirk into the queen's hands, notwithstanding all the foreign troops, or part of them, refuse to obey the duke of Ormond's orders, and to retire with him, her majesty will stick no longer to conclude her own particular peace, but leave to the other powers a set time to submit to the conditions of the plan which shall be agreed on by the queen and his most christian majesty.

See here, sir, the peace is in the hands of the king: if the duke of Ormond's whole army consents to the suspension of arms, our first project, on which we are agreed, has its effect; if they do not consent, the English troops will draw themselves off from those of the allies, and the foreign troops may address themselves to the States General for their subsistence, who, very far from being able to supply new charges, are not capable to bear those they have already upon their hands. In a word, Great Britain retires from the stage of the war, leaving there none but powers in a weak condition to make head against France, and the peace between these two kingdoms may be concluded in very few weeks. These are, sir, the proposals which the queen has commanded me to make you; and she believes that his most christian majesty will have his end, as much in the last as in the first plan. If the king accepts these propositions, the queen thinks it convenient for the interest of both nations, to labour incessantly for a general suspension as well by sea as land, between Great Britain and France, to follow that which shall be established in the Low Countries.

I shall wait with impatience the return of this courier; for, sir, I must agree with you that the moments are precious in a conjuncture like this. You will dispatch at the same time, if you please, an express to the duke of Ormond that he may know what to depend on, and how to behave himself. If you signify to him that the king has given orders to the officer that commands in Dunkirk to suffer the troops of the queen of Great Britain to enter the place, the duke of Ormond will immediately do what I have been telling you. And in this case her majesty will send from hence some regiments to take possession of that place, by which means we shall avoid many obstacles that might be formed, if this should be done by a detachment from the duke of Ormond's army, as we had designed it should

Since I have wrote this letter, her majesty has taken a resolution to send the earl of Strafford directly to the army, and he will set out to-morrow in the evening, or Sunday-morning at farthest. I am, &c. H. St. John.

No. 28.

M. de Torcy to Mr. St. John.

Marly, July 5, 1712.

I receive by la Vigne the letter you honoured me with of the 20 June, O. S and as you impatiently expect his return, knowing how precious every hour is in the present conjuncture, the king commands me not to lose a moment in sending him back to you. You will not be sorry to see him returned, since he carries for you his majesty's general approbation of the queen's demands you explained to me by your last letter.

You take notice, sir, of the orders her majesty has given to the duke of Ormond, the declarations he is to make, and the part he shall take to retire with the English troops, and all those that will march with him, if so be the king puts into her majesty's hands the city, citadel, and forts of Dunkirk, when even all the foreign troops actually in her pay, (either separately, or jointly with those of the States General,) or a part of these troops, separate from the English to continue under the command of prince Eugene. My last letter, sir, contained the just reasons the king had to expect that all foreign troops in English pay should follow the orders and motions of the duke of Ormond, as a necessary condition for the performance of the promise his majesty made the queen of committing Dunkirk to his custody. but as it appears by your letter that her Britannic majesty, in case of a refusal on

the part of her allies, will no longer observe measures with them, that she thinks herself justified before God and Man, not to scruple any longer the conclusion of a particular peace, leaving to the other powers interested in the war, a term to submit to the conditions of the plan she shall agree upon with the king, that this peace may receive its conclusion in a very few weeks, and that Great Britain, enjoying a glorious peace, will leave the whole weight of the war to such powers whom animosity shall engage to act against France, but who at the same time will be in too poor a condition to make head against her. All these reasons, so fully explained in your letter, being agreeable to the sentiments of his majesty, have determined him to give his orders for permitting the queen's troops to enter into Dunkirk. The messenger charged with these orders is going to carry them to Marshal Villars, as at the same time I return la Vigne to you; and you may be certain the duke of Ormond will receive advice of them to-morrow the 6th of this instant. I hope the earl of Strafford will be with him at that time, and that the conclusion of a good peace, at least between France and Great Britain, will immediately follow his arrival at Utrecht. I beg leave, sir, to make my compliments to you on this occasion, and doit with the greater assurance in finding by your letter that all difficulties are surmounted.

The king, sir, very well approves of your proposition in agreeing immediately upon a general cessation of all hostilities between the two nations, as well by sea as land. Those people who have suffered so many years the burthen and misfortunes of the war, cannot too soon taste the sweetness of the peace. 'Tis my opinion this agreement ought to be signed at Utrecht, and I suppose you will send her majesty's orders to her plenipotentiaries, unless you think some other method may sooner terminate this affair.

'Tis with greater satisfaction than ever, that I assure you no one can be with greater truth, than I am, &c.

DE TORCY.

No. 29.

The TREATY *for a Suspension of Arms between Great Britain and France.*

Anne by the Grace of God, Queen of Great Britain, France, and Ireland, defender of the faith, &c. To all who shall see these presents, greeting. Whereas our right trusty, and well-beloved cousin, Henry Viscount Bolingbroke, Lord St. John, Baron of Lidiard Tregoze, of our privy council, and one of our principal secretaries of State, by virtue of the full power which we have granted him, and John Baptist Colbert, knight, marquis of Torcy Crossy, Sable, Bois Dauphin and other places, councellor of our most dear brother the most christian king, minister and secretary of state, commander, chancellor, and keeper of the seals of the knights of his order, postmaster general of France, by virtue also of the full power given him, have signed a treaty of suspension of arms, the 8th of this instant August, O. S. 1712, in the following words

As there is reason to expect a happy success of the conferences held at Utrecht, by the care of their Britannic and most christian majesties, for the re-establishing a general peace; and as they thought it necessary to prevent all the events of war which may disturb the present state of the negotiations; their said majesties, earnestly desiring the happiness of Christendom, have agreed upon a suspension of arms, as the most certain means to obtain that general good which they propose to themselves; and although her Britannic majesty has not hitherto been able to persuade her allies to enter into the same sentiments, the refusal they make to follow them, not being a sufficient reason for hindering his most christian majesty to shew, by effectual proofs, the desire he has to re-establish, as soon as possible, a perfect friendship and sincere correspondence between the queen of Great Britain and himself, and the kingdoms, dominions, and subjects, of their majesties, his said most christian majesty, after having trusted the English troops with the keeping of the town, citadel, and forts of Dunkirk, as a pledge of his sincerity, consents and promises, as the queen of Great Britain promises also on her part,

1. That there shall be a general cessation of all undertakings and military actions, and generally of all hostilities between the armies, troops, fleets, squadrons, and ships of their Britannic and most christian majesties, during the time of four months, to commence from the 22d of this instant August, to the 22d of December next.

2. The same suspension shall be established between the garrisons and troops, which their majesties have for the defence and keeping of their towns in all the places where their arms are acting or may act, whether it be by land or by sea, or other waters, in such a manner as if it should happen, that during the time of the suspension, the same should be violated by any of the parties, by the taking of one or several places either by attack, surprise, or private intelligence, in any part of the world whatsoever, that prisoners should be made, or any other acts of hostility committed, by some unexpected accident, such as those which cannot be prevented, contrary to the present cessation of arms: This contravention shall be faithfully made upon either side without delay or difficulty, restoring without the least dissimulation what shall have been taken, and setting at liberty the prisoners without asking any thing for their ransom or for their expence

3. To prevent likewise all causes of complaints and disputes which might arise upon account of the ships, goods, or other effects, which shall be taken at sea, during the time of the suspension, it is respectively agreed, that the said ships, goods, and effects, which shall be taken in the channel, and in the

northern seas, after the space of twelve days, to reckon from the signing of the said suspension, shall reciprocally be restored on both sides. That the time shall be of six weeks for the prizes taken from the channel, the British and Northern seas to the Cape St. Vincent. And likewise of six weeks from and beyond that Cape to the Line, either in the ocean or in the Mediterranean.

Finally of six months beyond the Line, and in all the other parts of the world, without any exception or other more particular distinction of time or place.

4. As the same suspension shall be observed between the kingdoms of Great Britain and Spain, her Britannic majesty promises, that none of her men of war, or merchants ships, sloops, or other vessels, belonging to her Britannic majesty, or to her subjects, shall be hereafter employed to transport or convoy into Portugal, Catalonia, or any of the places where they make war at present, any troops, horses, arms, cloaths, and in general any provisions and ammunition.

5 However her Britannic majesty shall be at liberty to cause troops, ammunitions, provisions, and other necessaries, to be transported to the places of Gibraltar and Port Mahon of which she is actually in possession, and which she is to keep by the treaty of peace to be made; as also to withdraw from Spain the English troops, and generally all the effects belonging to her in that kingdom, either to transport them to the island of Minorca, or to bring them into Great Britain, without the said transports being thought contrary to the suspension.

6. The queen of Great Britain may also, without violating the suspension, lend her ships to transport into Portugal the troops of that nation, which are at present in Catalonia, and to transport to Italy the German troops, which are likewise in the same province.

7. Immediately after that this present treaty of suspension shall have been declared to Spain, the king engages himself to have the blockade of Gibraltar raised, and that the English garrison, as well as the merchants who shall be in that place, may freely live, act, and trade, with the Spaniards.

The ratifications of the present treaty shall be exchanged on both sides within the time of a fortnight, or sooner, if possible.

In testimony whereof, and by virtue of the orders and powers which we underwritten have received from the queen of Great Britain and his most christian majesty, our mistress and master, have signed these presents, and have caused the seals of our arms to be affixed thereto. Given at Paris, August 19, 1712.

(L S.) Bolingbroke.
(L S.) Colbert De Torcy.

We have seen and considered the treaty above written, have approved, ratified, and confirmed the same, in all and every one of its articles; as we do by these presents approve, ratify, and confirm it, promising and engaging our royal word, that we will faithfully and inviolably perform and observe all things contained therein, and that we will never directly or indirectly violate the same; for the greater testimony and validity whereof we have caused our great seal of Great Britain to be affixed to these presents; which we have signed with our royal hand. Given in our castle at Windsor, the 18th day of August, 1712. In the eleventh year of our reign.

Anne R.

No. 30.

Lords Plenipotentiaries to Lord Bolingbroke, September 2, 1712.

In our last of the 30th past, we gave your lordship an account of the disposition things were in here to renew the general conferences, and that the next day we were to know of the French when we were to begin; we have since spoke with them twice, the last time this morning, but without coming to any conclusion, they thinking it necessary to return such an answer to our proposal, as appears to us to be contrary to the honour of her majesty's speech; The case is this;

In her majesty's speech it is expressed, That the Dutch are to have the entire barrier as demanded in 1709, except two or three places at most.

The French ministers insist, that they must have Lisle, as an equivalent for Dunkirk, and that the same is not to be understood as one of the three places mentioned in the speech, and consequently that they must in all have four of the places mentioned in the demands of 1709.

This to us appears to be altogether inconsistent with what her majesty has declared, and we accordingly think it contrary to our duty to bring on a conference to which such an explication is to be made.

The French ministers on the other hand have shewed us their orders, which positively require them to insist upon the restitution of Tournay as well as Lisle, and that they by no means consent to the cession of Maubeuge or Condé.

We have in vain pressed them to speak at first in terms, as general as our proposal is conceived in; they think it necessary to be particular and express in that point above all others, because they shall otherwise have tied themselves up, and given the Dutch an advantage: the result of a very long debate was, that we resolved not to proceed to a conference till this point be determined: and as the French ministers profess their orders are so plain, that they neither need nor can admit any explication, we also think the matter as plain on our side, nor can conceive from whence the expedient shall come.

We humbly hope our zeal for her majesty's honour will be graciously approved, and that we shall be directed what further we are to

do in this matter, which we apprehend may be of a decisive consequence; for we find those among the Dutch who appear to be more cordially disposed to such a peace, as may re-establish a good harmony between her majesty and the States, which they take to be absolutely necessary for our mutual preservation, we find them fully resolved either to retain Tournay and have Condé yielded to them, (though we think, if necessity require, they may be persuaded to let fall the latter,) or to take one of these two courses; namely, either to come into any terms that France pleases, or continue the war at all hazards; the former may in our opinion, be more probable than the latter, the points of commerce being so very easy to be accommodated, and other equivalents not so very difficult. And if they should by such a motive of despair get the start of us, it may happen to lessen the consideration France now shews for her majesty's friendship.

We had wrote thus far when the French plenipotentiaries desired to come to us, and being come, acquainted us, that they had just received orders by a courier about the affront done to M. Mesnager by count Rechteren, which directed them to desire us to let the States General know, that his most christian majesty expects the States shall in a public manner disavow the said Count; and then remove him from the congress: they added, that this satisfaction is to precede any further negotiation.

No. 31.

Lord Bolingbroke to the Lords Plenipotentiaries, September 10, 1712.

Since I wrote what is above, I have been obliged to defer dispatching my letter, which has given me an opportunity of seeing my lord Lexington, who is resolved to be setting out for Spain by the end of this week; so that I hope his lordship will get to Madrid in good time to be there at the assembling of the Cortes. Your lordships will, I presume, think fit to correspond with him upon all matters relating to your joint negotiation; and I believe the best way will be to have your correspondence pass through the hands of Mr. Prior. I have given his lordship a copy of the cypher which was made for the use of the foreign ministers in any province to write to another. Mr. Prior has likewise a copy of the same, so that your lordships may by that means more conveniently carry on the correspondence. I am now to speak to your lordships concerning the dispute mentioned to be arisen in yours of the 2d of September, between your lordships and the ministers of France; it is certain, that at the time when the queen communicated from the throne a general sketch of the project of peace, the French would have been glad, having Lisle as an equivalent for Dunkirk, to have saved Condé, and Maubeuge, and to have departed from Tournay; this your lordships have reason to be sensible of as well as I; and you cannot but observe, that in the plan brought hither by the abbot Gaultier, the king of France begs for Tournay, rather than insists upon it; but amongst many other ill consequences, which the unaccountable obstinacy of the Dutch has produced, and will I fear continue to produce, this is one, that the French are encouraged to refuse what they only endeavoured to save. The plan abovementioned was understood to be nothing more than the ultimatum of the offers of France, and almost every article in it might have been improved and built upon, if the allies had then unanimously resumed the conferences; but France has now gathered strength by our divisions, and is grown sanguine enough to re-establish the same plan as the ultimatum of her concessions. I say thus much to your lordships, upon a subject which is trite enough, only to introduce this proposition, that the Dutch have nobody to blame but themselves, as I believe your lordships once very justly told them, if their terms of peace should fall short even of those contained in her majesty's speech. Her majesty, my lords, is sensible of the concern which you express for her honour, and will not, you may be sure, suffer herself to be a party to any thing which may appear contradictory to what she has once advanced; but there is more in the present case, and although perhaps the yielding of Tournay might be reconciled to the terms of her speech, yet should the queen consent this exposition of it, such consent would be almost a formal acquiescence to the restoration of this place to France, and this, my lords, is what her majesty will avoid; she will by no means side with France, to tie down her allies in any instance, and it is with the utmost regret that she sees them persevere in a conduct, which must necessarily give the enemy an advantage over them: on the other hand, the queen thinks that whilst they continue to refuse to come into her measures, she is under no obligation of entering very far into contention for them. I hope, the solution of this difficulty will come from France; and that when they have so many other quarrels to decide, that court will go back from a measure, which must involve them in a dispute with the queen. I had almost forgot to say, that I have reason to think that if the Dutch were come to some consistency amongst themselves, and it was certain what would bring them into the peace, the French would be less stiff in their score.

No. 32.

Lord Bolingbroke to Mr. Prior, September 10, 1712. *O. S.*

I was equally surprised and vexed to find, that by the uncouth way of explaining the queen's sense, you had been led to imagine, that it was intended my lord Lexington should make any difficulty of seeing and complimenting the king of Spain as such.

We spent above three hours in penning mi-

notes yesterday upon this head, which was long ago adjusted. I suppose the instructions will be at last clear; but my lord Lexington having been present at the debate, his understanding of the matter will make amends for any dark ambiguous article which may be in them.

Dartmouth is to communicate the queen's orders herein to you, that so you may be able to satisfy the French ministers, and they to prepare the Spanish ministers; however, I will venture to tell you in a few words what I understand is to be the measure of lord Lexington's conduct. As soon as he arrives at Madrid, he will notify his arrival to the Secretary of State, he will, when he sees this minister, let him know, that the queen has sent him thither to compliment the king in her name, to be a witness of the several renunciations, and other acts requisite to complete the execution of the article, agreed upon as necessary to prevent the union of the two monarchies; that after this, he is to proceed to settle such matters of commerce, and other affairs, as are for the mutual interest of both nations, and to take the character of ambassador upon him; my lord will at the same time produce his credentials, and give the secretary a copy of them if he desires it. In this conference he will further take notice of the several cessions made by the king of France, in behalf of his grandsoo, to the queen; and will speak of them as points which he looks upon to be concluded. He will likewise give a memorial of them in writing, signed by himself, to the secretary and expect from him, an assent in the king's name, in writing also, and signed by the Secretary

This seems natural, civil, and unexceptionable; but any other scheme is absurd and inconsistent with all the rest of our proceedings.

For God sake, Dear Matt. hide the nakedness of thy country, and give the best turn thy fertile brain will furnish thea with, to the blunders of thy countrymen, who are not much better politicians than the French are poets.

I have writ in great haste a prodigious long letter to M. de Torcy, which, I believe, he will shew you, but, for fear he should not, I inclose in this an extract of part of it, which relates to a matter that has given lord treasurer and your humble servant no small trouble in cabinet The copy of the plenipotentiaries dispatch of the 2d of September, which I likewise send you, will shew you how a dispute, now on foot at Utrecht, began; you will observe that their lordships are very warm in it, and I can assure you we have those who are not a jot cooler.

The solution of this difficulty must come from you; it is matter of management and appearance more than of substance; and the court of France must be less politic than I think them at any time, and more unreasonable than I think them at this time, not to come into a temperament upon a matter unnecessarily started, You must begin by making M de Torcy not only to understand, but own he understands, the proposition which I am sure he remembers, I more than once repeated to him when I was in France, upon various occasions, and which I have again stated as clearly as I am able The queen can never do any thing, which shall look like a direct restraint on her allies from demanding what they judge necessary; but as long as they act the part, which they now do, she can very justly be passive and neuter as to their interests; and if her peace be made before theirs, which she will not delay for them, she can with the same justice leave them to make their own bargain. This is advantage enough for France, and such an one fairly speaking, as a year ago they would have given more than Tournay to have been sure of; they must not therefore press us to go further than this, nor do any thing which may seem contradictory to what the queen delivered from the throne. That speech they have always owned as the plan they submitted to, and it varies but little from that brought hither by Gaultier

In a word, the use which the French will make of the unaccountable obstinacy of the Dutch and other allies, may in several respects, and particularly for ought I know in this instance of Tournay, give them an opportunity of saving and gaining more than they could have hoped for, and the queen may in the present circumstances contribute passively to this end, but actively she never can in any circumstances

I think in my own opinion, and I believe speak the queen's upon this occasion, that it were better the French should in the course of the treaty declare, that whatever they intended to have given the Dutch, when the queen spoke from the throne, their conduct has been such and the situation of affairs so altered, that the king is resolved to have Tournay restored to him; I say I believe this were better, than to expect that we should consent to an exposition of the queen's words, by which her majesty would yield the town up.

Let the conferences begin as soon as they can, I dare say, business will not be very speedily dispatched in them; in the mean time we shall go on to ripen every thing for a conclusion between us and Savoy, and France, and Spain, and this is the true point of view which the French ought to have before their eyes.

You will be very shortly particularly and fully instructed to settle the article of North America, and those points of commerce still undetermined, that done, the ministers may sign at Utrecht, as soon as they can hear from lord Lexington.

My lord Dartmouth writes to you concerning a clamour which our merchants have raised as if under pretence of not carrying to Lisbon or Barcelona, 'des provisions de Guerra ou de Bouche,' they shall be debarred from their usual traffic of corn and fish, which at those places there are great demands for in time of

peace, as well as war, and without any consideration of the armies; the difficulty as to Lisbon seems to be removed by the Portuguese submitting to come into the suspension of arms, and he proposes to you an expedient as to Barcelona, but in truth that war must be ended of course now, since the queen supports it no longer, and the Dutch are recalling their fleet from the straights. The duke of Argyle is going immediately now away, and the moment he comes to Minorca he draws to him every thing belonging to the queen out of Catalonia; the imperial troops must in my opinion that moment submit, and compound for transportation; and when the war is at an end, I think there can be no pretence of quarrelling with us for carrying our goods to the people of the country.

It is now three a clock in the morning; I have been hard at work all day, and am not yet enough recovered to bear much fatigue; excuse therefore the confusedness of this scroll, which is only from Harry to Matt. and not from the secretary to the minister.

Your credentials of minister plenipotentiary will be sent you, together with your full powers by the next boat; and before duke Hamilton goes I will move to have you removed to Utrecht, where there will be a natural handle for, as soon as you shall settle the points of commerce, and in doing that, have given the last stroke to the finishing the treaty with France.

Make my compliments to madam Tenol, and let her know that I have, I hope, put her affair into a way of being finished to her satisfaction. I have spoke very earnestly to Maffei, and have used the proper arguments to him.

Adieu. My pen is ready to drop out of my hand: believe that no man loves you better or is more faithfully yours, &c. Bolingbroke.

P. S, I had almost forgot to tell you that the queen is pleased to disclaree the Mareschal Tallard's parole: which you may assure him, with my compliments, of, and give any signification necessary in form.

No 33.

Lord Bolingbroke to M. de Torcy, Sept. 10. *O. S.*

Your honour and mine, which are equally dear to me, will be equally preserved as long as we keep to that which I have had permission to tell you, concerning the queen's intentions upon the general plan of the peace You will remember, Sir, I represented to you that the conduct of her majesty in respect to the interest of her allies, was in some measure determined by their behaviour; that the violent measures which they have taken to thwart the negotiation, had the effect of putting the queen in a condition of making the peace without waiting for their concurrence; that in this case her majesty would declare to them, that she had signed the treaty with France and Spain; and that she would propose to them the plan brought by the abbot Gaultier, as that, upon which they must make the peace; and that for the future she would have them know, she could act no otherwise than by her good offices, as a common friend to all parties. You will also remember, Sir, that I had the honour to tell you, that in case the Dutch particularly, or the other allies, should take care of the part of entering before the conclusion of the queen's peace, into concert with her majesty, we must then keep the more measures with them, the compassion of the people in England would be moved, and, the ministers of the queen be obliged to make steps, which in the other case they would absolutely refuse to do.

You see, Sir, what I advanced in France by order of her majesty, and what I this day repeat by the same order, and what you will find punctually performed.

The plenipotentiaries of the king seem to require of us something more, when they insist that the queen's ministers should propose the holding a conference which should be opened by a proposition, which appears in some measure contrary to what the queen has said in her speech, concerning the barrier for the States, in the dispute that is arisen between your plenipotentiaries and ours. The question is not to know whether Tournay shall be restored to the king or not, for in order to obtain this place, it is not necessary that you should begin in making this specific declaration.

But the question is to know whether the queen should declare formally, and from this time, that Tournay shall be restored to France; for that would be declaring a consent to the explanation which your ministers would give to this article of the speech. Not to swell a letter too much, which seems already to become somewhat tedious, I must refer myself to what Mr. Prior will have the honour to tell you upon this head; and I will content myself with saying, that as it is not difficult to find out an expedient, I hope we shall avoid every thing that might occasion a dispute between the ministers of Great Britain and France.

The earl of Dartmouth sends twelve passports for the ships that are ready to sail for the West Indies, which the king of Spain desires; and Mr Prior will immediately put them into your hands.

No 34.

Offers of France *to* England, *with the Demands for* England, *and the King's Answers.*

1 The king promises to consent without difficulty to all what is contained in the 1st, 2d, 3d, 4th, and 5th, articles of the specific demands of the queen of Great Britain.

2. The king will cause all the fortifications of Dunkirk to be demolished, as well those of the town, as of the citadel, the risebanks, and other ports towards the sea, in the space of two

months, and those towards the land in three months longer, to be reckoned from the day of the exchange of the ratifications, the whole at his own charge, and with promises not to repair the whole or any part.

3. That king shall yield the island of St. Christopher to Great Britain, as likewise Newfoundland, on condition that the town of Placentia shall be demolished, that the right of fishing and drying cod freely and without molestation upon the said island of Newfoundland, shall remain to the French in the same places where they used to do it. The little islands near it, and those nearest to Newfoundland shall also be yielded to England, well understood that the island of cape Breton, and others of the gulph and mouth of the river of St. Lawrence, of which France is actually in possession, shall remain to the king.—*Dem. for Eng.* England demands, That this town of Placentia shall be yielded to her in the condition it is in.—*K.'s Ans.* His majesty offers to leave the fortifications of Placentia as they are, when he yields that place to England, to agree to the demand made of the guns of Hudson's bay: Moreover, to yield the islands of St. Martin, and St. Bartholomew, to give up even the right of fishing and drying cod upon the coast of Newfoundland, if the English will give him back Acadia, in consideration of these new cessions which are proposed as an equivalent.

In this case his majesty would consent that the river of St. George should be the limit of Acadia, as England has desired.

If the plenipotentiaries of the crown do refuse to admit of any expedient for the restitution of Acadie, the king rather than break off the negotiation, will agree to their demands, that is to say, to leave Placentia fortified, and restore the guns of Hudson's bay, well understood, that the offer of yielding of the islands of St. Martin, and of St. Bartholomew, and that of desisting from the right of fishing and drying cod upon the coast of Newfoundland, shall be null, and looked upon as if they had not been made.

4. The king will yield the province of Acadie with the town of Port Royal and its dependencies, to Great Britain, as also the streights of Hudson's bay.

5. The French who shall leave the countries which are yielded above to Great Britain in the North part of America, shall have leave to withdraw their effects from thence: Likewise the king shall have leave to withdraw from thence the guns and all the stores of war.

6. After the conclusion of the peace there shall be commissioners named on both sides, as well for regulating in the space of a year the limits betwixt Canada or new France on one side, and Acadia and the lands of Hudson's bay on the other, as likewise to agree amicably of all the reparations which are just and reasonable, claimed by the one side or the other, for the wrongs received contrary to the right of peace and war.

7. The limits being once fixed, it shall be forbidden to the subjects of both crowns to pass the said limits to go by land or by sea the one to the other, as likewise to disturb the trade of either nation amongst themselves, and to disturb the India nations who are allies, or have made their submission to either crown.

8. The king will give leave to the House of Hamilton, colonel Charles Douglasse, and others, to lay before him after the peace their rights and particular pretensions, and will do them justice.—*Dem. for Eng.* That the duke of Richmond may inherit from his mother.—*K.'s Ans.* The duke of Richmond having obtained letters of naturalization from the king, shall enjoy, when the peace shall be concluded, the privilege annexed to the favour which his majesty has granted him.

Dem. for Eng. That the 4th article of the treaty of Riswick be abolished, and that the king shall not hinder that the affairs of religion in the empire, be regulated on the foot of the treaty of Munster.—*K's Ans.* The king is willing in regard to England, that this affair should be regulated with the empire, his majesty not intending to derogate from the treaties of Westphalia as to matters of religion.

9. That king promises, in the name of the king of Spain his grandson, that Gibraltar and port Mahon shall remain in the hands of the English.—*Dem for Eng.* That there shall be yielded to England an extent of ground, of two cannon shot round Gibraltar and all the island of Minorca. *K.'s Ans.* It is with a great deal of trouble that the king has made the king of Spain consent to give Gibraltar to the English, the intention of that prince being as he has declared himself several times, not to give an inch of ground in Spain. It will yet be more difficult to obtain from him the least favour upon a point which is so tender at present, they pressing him to renounce his rights to the crown of France, and that they will have him look upon Spain as the only patrimony that he can leave to his posterity.

So that this new demand will certainly be refused, and the power which his majesty has received from the catholic king is directly contrary to this pretension.

As he has not explained himself upon the intire cession of the island of Minorca, the king is willing to employ his good offices to obtain it as a sort of an equivalent for the ground which the English now ask about Gibraltar; and from this time his majesty promises, that on this account the whole island of Minorca shall be yielded to them.

10. After the peace shall be concluded, the English shall have the treaty for negroes, otherways the agreement of Assiento for negroes, on the same conditions that this agreement

was made by the king of Spain to the French; so that the company which shall be established in England for this purpose, shall have the prerogative to set on shore, sell, and vent their negroes in all the places and ports of America upon the North Sea, in that of Buenos Ayres, and generally in all the places and ports where the ships of the company formed in France under the name of the Assiento, had leave to enter.—*Dem. for Eng.* That the French may not withdraw their effects belonging to the Assiento, but upon English or Spanish ships.—*K.'s Ans.* The concerned in the company of the Assiento shall be strictly bound to the terms of their agreement; of consequence they cannot trade directly to the Indies under pretence of withdrawing their effects: they shall absolutely lose them, if they should be obliged to employ other ships to load them than those belonging to their company.

The design of the peace being to procure the mutual advantage of the French and of the English, it would not be just that one of the first advantages which it should procure for England, should be to the prejudice of the French nation. If the English will treat about the effects of the French company, they will remove by this expedient the inconvenience they apprehend.

11. The said agreement shall be for the term of thirty years, and there shall be appointed for the English company of the Assiento an extent of ground on the river De la Plata, upon which they may not only refresh their negroes, but keep them safe till they are sold, according to the conditions which shall be stipulated by the agreement which is to be made for the Assiento: and to hinder that this licence may not be made an ill use of, the king of Spain shall name an officer to hinder it, to whose inspection the concerned in the said company, as likewise all those whom they shall employ, shall be subject.—*Dem. for Eng.* That this ground shall be chose by the English, and that the Spanish inspector shall be suppressed.—*K.'s Ans.* They know in England the demands which were made of the king upon this head. His majesty has obtained them with a great deal of trouble from the king his grandson, he cannot ask nor suffer in his name new additions to what has been already yielded in favour of the peace; if the English believe they ought to insist to obtain new advantages, they must treat directly with the plenipotentiaries of Spain, and to this end, let them have immediately the necessary passports to come to Utrecht

12. All the advantages, rights and privileges, which are already granted, or may hereafter be granted by Spain, to the subjects of France, or to any other nation whatever, shall likewise be allowed to the subjects of Great Britain.

13. His majesty promises likewise that all the merchandizes of the growth and fabric of Great Britain, which from the ports of Spain, where the ships for the Spanish West Indies shall be cleared, shall be sent to the Indies, shall be exempted from all customs, as well those of going in, or coming out of Spain, as those of going into the Indies.

14. All the articles above mentioned shall be extended in the treaty of peace, in the most ample manner, and the most convenient: and there shall be added all the clauses of the cessations from hostilities, and other reciprocal pledges, according to what has been done in former treaties, which shall be recited to have their former force and vigour, excepting those things which this has derogated from; and this clause shall be put at the end of each instrument.

Offers of FRANCE *to the Duke of* SAVOY, *with the Demands for the Duke of* SAVOY; *and the King's Answers.*

1. His right, and his rank, to the succession of Spain shall be declared and acknowledged conformable to the will of Charles the second. —*Dem. for D. of S.* It is demanded that this article be put in these terms, The rank of the duke of Savoy to the succession of Spain, shall be reserved to his royal highness, according to his right.—*K.'s Ans.* The king is willing, on account of England, to pass the articles as it is demanded by her, notwithstanding the interest which his majesty may have, to recite and mention on this occasion the will of Charles the second.

2. The king shall restore to him Savoy and the county of Nice, with their dependencies

3. The king will moreover yield to him Exilles and Fenestrelles with the valley of Pragelas.—*Dem. for D. of S.* His royal highness asks that besides the vallies on the other side of Mount Geneva, in which are comprehended that of Chateau Dauphin, Fort Barraux, and the territory which extends from that fort to the frontier of Savoy, as it is mentioned in the 4th article of his specific demands, the villages on the other side of the Rhona on the side of Savoy, the right of garrisoning Monaco, and the direct demesne of Manton and of Roquebrun.—*K's. Ans.* The king cannot believe that England, desiring the conclusion of a firm and solid peace, will give rise to new wars, in giving the gates of France to the duke of Savoy. He has neither right nor even an apparent pretext for to ask as he does a part of Dauphiny; he cannot support, upon any just and reasonable foundation, the pretentions which he makes upon the estate of a third person, as is the prince of Monaco; so that his majesty thinks that he does very much in leaving, out of regard to England, Exelles, Fenestrelles, and the valley of Pragelas, to the hands of the duke of Savoy.

He had even reason to think from the first proposals, that they knew in England that this prince ought to content himself with the restitution of Savoy, and of the county of Nice, without making a further demand of these two places, which cannot belong to him by any title but by that of war, and that they are convenient for him.

4. The cessions in the Milaneze and others, made by the emperor Leopold to his royal highness, shall be confirmed.

5. His royal highness may make such fortifications as he shall think fit in the places acquired by the foregoing treaties, though without derogating from that of Turin in 1696.—*Dem. for D. of S.* That he shall have power of fortifying all the places he shall think fit, notwithstanding the treaty of Turin.—*K's Ans.* The intention of the duke of Savoy, is probably to fortify Pignerol; the interest of France has not changed since the treaty made at Turin in 1696; it is not of less importance than it then was, to hinder the duke of Savoy from fortifying that town: one may even say that the danger would be greater, this prince acquiring besides Exelles and Fenestrelles, and his strength being increased on the side of Italy.

England becoming a friend to France, ought not to be less concerned for its quiet, and the tranquility of its provinces, than for the unnecessary aggrandizing of the duke of Savoy.

6. The trade from France into Piedmont, and from Piedmont into France, shall be on the foot of the treaty of Turin.

7. His royal highness may have liberty to sell the barony of Essarts, and other estates and effects that he may have in France.

8. The king consents that his royal highness may increase his dominions in Italy, as much as he shall think fit.

Offers of FRANCE *for* PRUSSIA; *with the Demands for* PRUSSIA; *and the King's Answers.*

1. The king of Prussia shall be acknowledged by France.

2. The king shall let him peaceably enjoy the sovereignty of Neufchatel and Valengin, with promise never to disturb him in this possession, nor to give any sort of assistance to those who would dispute it with him.—*Dem. for Pr.*—That the counties of Neufchatel and Valengin, be acknowledged as members of the Helvetic body, by the consent of his majesty.—*K's Ans.* This novelty does not depend on the consent of the king, all the Helvetic body is concerned in this proposition, it will not be unanimously received by all the members who compose it; it will be the interest of several to oppose it, and perhaps even all the Protestant cantons will not be of the same mind.

The counties of Neufchatel and Valengin are allies of the Swiss; the king will promise to acknowledge them and treat them on that foot.

3. The subjects of the crown of Prussia shall enjoy, as to their trade in France, the same advantages which shall be granted to the subjects of her Britannic majesty, and those of the States General: on condition it shall be reciprocal.

4. The king shall favour with all his power the pretensions of Prussia on the cantoon of Geldar, the town and the country of Erckens, of which she makes a demand, on condition that it costs France nothing to indemnify those who would dispute this possession with Prussia.

5. The king will give as far as twelve hundred thousand livres, French money, to this prince to buy his right to the principality of Orange.—*Dem for Pr.* That it shall be in his choice, to take the money which is offered, or the frontier which he demands in Franche Comté. He offers only to leave the king the castle of Toux, in consideration of an equivalent. Moreover that the lands of the House of Chalons shall be adjudged to him, and that all the edicts and decrees which have been given against the Protestants of Orange shall be revoked.—*K's Ans.* The king thinks he does much, and that he gives a particular mark of his consideration for England, to give twelve hundred thousand livres to this prince, under pretence of buying his rights, which his majesty knows he cannot make use of lawfully against those who have pretensions to the principality of Orange.

There is then no choice betwixt this offer, and a pretension so ill grounded as this of the pretended frontier, which the ministers of Prussia have made a demand of in Franche Comté.

The sum of twelve hundred thousand livres, which is offered to their master, is a present which the king is willing to make him, for the good of the peace, and to colour it only with a pretext of buying his rights to the principality of Orange, for otherwise the king would have no other answer to make, than to give assurances, that he would leave those who have pretensions to the principality of Orange, the liberty to follow them, before the tribunals who ought to judge from them.

This answer is the only one he can make on the subject of the lands of the House of Chalons, of which not any one has the appearance of sovereignty, and of consequence no pretence to withdraw themselves from the jurisdiction or the common judges.

His majesty is accountable to no one for the edicts and decrees he gives for the domestic order of his kingdom.

6. If this prince accepts the conditions above-mentioned, the king will give him the title of majesty.

7. The king consents, and demands himself, that the thirteen cantons should be included in the general peace.

Prussia [illegible] the [illegible] Switzerland [illegible]

Offers of FRANCE *for* PORTUGAL, *with the Demands for* PORTUGAL; *and the King's Answers.*

1. The king will turn into a final treaty, the provisional treaty concluded between France and Portugal in 1700, reserving to himself the free navigation of the river of Amazons, which is to be in common between the two nations.—*Dem. for Por.* That the advantages which have been promised to him by the House of Austria, as well in Spain as in the Indies, be granted to him, viz. The towns of Badajoz, Alcantara, Albuquerque, and Valencia in Estramadora; those of Bayona, Vigo, Tuy, and Guardia in Galicia.

That all what is betwixt the river de la Plata and the Braziles be yielded to him, so that this river may serve for limits to the two countries.

That king Philip the 5th yield to him for a barrier Coria, Ciudad Rodrigo, Puebla de Cazonbria, and Montery, with their dependencies.

Moreover, that Spain pay what is due to the ancient Portugal company of the Assiento; of which England and the States General are guarantees.

Lastly, That France yield to him the lands of Cape de Nord in South America, notwithstanding any provisional or final treaty.—*K's Ans.* If the king of Portugal had conquered Spain, or contributed by mighty armies to bring it under the obedience of the archduke, he would not make larger demands than those contained in this article. The catholic king will give nothing to the Portuguese in Spain.

It is not probable that he will be more easy as to the demands they make in the Indies. This is an article to be discussed between the plenipotentiaries of Spain and Portugal, as also the accounts which are to be adjusted of what is due to the ancient Portugal company of the Assiento.

One must only take notice, that if the pretensions of the Portuguese were listened to, the catholic king would have only the name of king of Spain; but that in reality his kingdom would be shared with a powerful enemy; that for to buy so uncertain and dangerous estate, they will oblige him to renounce his rights, and those of his posterity, to the monarchy of France.

The king does a great deal for the Portoguese, by his agreeing that the provisional treaty, concluded at Lisbon in 1700, should be turned to a final treaty; it is all what his majesty can grant them: they asked for no more when they signed the treaty of an offensive alliance with him and the king of Spain.

Offers of FRANCE *for the House of* AUSTRIA *and the Empire; with the Demands of the House of* AUSTRIA, *and of the Empire; and the King's Answers.*

1. The Rhine shall be the boundary between France and the Empire; so that the king will return Brisac and Fort de Kell, in the condition they are in, will yield Landau in the condition it is in, will demolish all the forts he is in possession of on the other side of the Rhine and in the Rhine, Fort Lewis to be comprehended amongst them, as also that of la Pile near Strasburg; on condition, and not otherwise, that the king shall retain all what he is in possession of on the side of the river, agreeable to the treaty of Ryswick.—*Dem. for Aus.* That Strasburg be returned, Horungen, and New Brisac be demolished.

That Alsace do not remain in the hands of France; but according to the interpretation which the Empire and the House of Austria do give to the literal meaning of the treaty of Munster.—*K's Ans.* The king will keep Strasburg, which was yielded to his majesty, not alone as a consequence of the right which the cession of the Alsace gave him to that town, but likewise for an exchange for Fribourg, Brisac, and of the right of garrisoning of Philipsburgh, which his majesty acquired by the treaties of Westphalia and Nimeguen.

The fortifications of New Brisac shall subsist, this place being necessary for a barrier for France, when she returns Old Brisac to the House of Austria.

There is no other interpretation to be given to the treaty of Munster, as to the possession of Alsace, than the meaning which was understood by the ambassadors and ministers who signed the treaties of Nimeguen and Ryswick.

2. The king shall acknowledge the elector of Hanover.

3. The elector of Treves shall be reinstated in the possession of his town of Treves, and generally in all what belongs to him.—*Dem. for Aus.* He demands his re-establishment as grand prior of Castile, and the restitution of the fruits, which he pretends have only been sequestered.—*K's Ans.* The king promises to obtain from the king of Spain, that the grand priorship of Castile shall be returned to the elector of Treves.

As to the restitution of the fruits, his majesty promises his offices to procure it, and knowing the custom of Spain in such cases; and this is another point to be discussed with the plenipotentiaries of that crown.

4. The king consents, if the Empire thinks fit, that the landgrave of Hesse Cassel be put in possession of Rhinfelt, St. Gour, and Kaiz, on condition that matters of religion are kept on the same foot they now are.—*Dem. for Aus.* It is demanded that the article of religion be decided by the Empire.—*K's Ans.* As the matter relates particularly to the Empire, the king consents it should be referred to its decision.

As to what relates to the House of Austria in particular, the king promises, that the king of Spain shall yield to them the kingdoms of

Naples and Sardinia, the four places in Tuscany; and as to the duchy of Milan, that of it which shall not be yielded to the duke of Savoy

The Spanish Netherlands, excepting the town and territory of Gueldre, which are to be kept by Prussia, as it is explained above.—*Dem. for Aus* Sicily is demanded for the House of Austria.—*K.'s Ans.* The king and the king of Spain not only engaged to the elector of Bavaria to re-establish him in his dominions, but also to make him an amends for the losses he has sustained during the course of this present war.

It is on this account that the catholic king has yielded to him the Spanish Netherlands if it must be that the elector must desist from them for the good of the peace, the king and the king of Spain are obliged to make him some other amends; the kingdom of Sicily is the only state which Spain can give to this prince, and to satisfy the engagements entered into with him.

It is the more necessary to stipulate this condition, being it appears that the Empire oppose his being re-established in his rank of first elector; and that it is demanded that the Upper Palatinate should be kept by the elector Palatine, and after him by prince Charles of Neuhourg, his brother, not to return to the elector of Bavaria or his children, but after the death of these princes.

6 The whole on condition that the electors of Cologne and Bavaria be re-established in their dominions, dignities, goods, and moveables, &c.—*Dem. for Aus.* They will not be against the duchy of Bavaria's being returned to the elector of that name, and that he shall be the ninth and last elector, on condition that he shall give up his pretensions to the Upper Palatinate, and the dignity of first elector, without hopes of enjoying it, but after the death of the elector Palatine, and of prince Charles of Neuhourg, his brother.

And as to the elector of Cologne, when he shall be reinstated in his dominions, it shall be in the choice of the allies whether they will garrison the town of Bonn, or not.—*K.'s Ans* Though this condition be prejudicial to the elector of Bavaria, the king is willing to consent to it, allowing the amends of the kingdom of Sicily, because the title of king will wipe off what is shocking, in being the last elector, which they will give him instead of the first place he had in the electoral college

His majesty proposes, that the fortifications of Bonn should be demolished; and thus expedient seems more suitable to him, than to put a garrison in that place, which does not depend on the elector of Cologne.

7. A general pardon shall be granted reciprocally to the subjects of all the parts of the Spanish monarchy, who shall have followed different parties in this war, with restitution of their honours and estates.

Offers of FRANCE *for the* STATES GENERAL, *with the Demands for the* STATES GENERAL, *and the King's Answers*

1 The Catholic Low Countries, except what part the king is to keep, and the exception abovementioned of Gelder, shall belong in property to the House of Austria.

2. The barrier shall be formed out of the Spanish Netherlands, as they are now possessed by the allies, to which Luxemburg shall be added, reserving the principality of thirty thousand crowns per ann. given by the king of Spain to madam the princess des Ursins, Namur, Charleroy, Newport, Ypres, and its chatelane, Furnes, and Fortambac, Knocque, Menin, and its district; on condition that Lille, in the state it now is in, with its dependencies, shall be returned to France as an equivalent for the demolition of Dunkirk and Tournay, with the district of Tournay, Douay, Bethune, Aire, St. Venant, and Bouchain, in the condition they are in, with what belongs to them, as likewise all the guns and stores of war, which shall be found in them, in exchange for the places which France adds to fortify the barrier, and those which will be yielded by the elector of Bavaria, who is actually in possession of them.—*Dem. for the St. Gen.* Besides the places offered for the barrier, the cession of Tournay, and the district of Tournay, is demanded; as likewise Condé, the guns, and stores of war, which are in the places which are to be yielded

Moreover, a renunciation for ever, for all the kings, princes, and princesses of the blood royal of France, to all rights present or to come, or which possibly may, to all what shall compose the barrier in whole or in part.

It is refused to agree about the principality granted or reserved for the princess des Ursins.—*K's Ans.* The king insists upon the restitution of Tournay, and the district of Tournay, as being essential to secure the barrier which France has occasion for on the side of the Low Countries

This barrier is the more important, being the strength of the House of Austria becomes formidable, by the re-uniting so many considerable dominions in the person of the same prince Every thing is to be feared from so dangerous a neighbour, who applies himself more to his affairs than any of his predecessors; who glories in following the steps of Charles the 5th, and does not conceal the design he has to aggrandize himself. It cannot be doubted neither, but that he will be powerfully assisted by the republic of Holland; experience having shewn, that far from being afraid of the power of the House of Austria, this republic makes its glory and safety consist in multiplying the number of the dominions of this powerful House.

The same reason of securing the frontiers of his kingdom, requires, that the king

should keep the town of Condé; and his majesty will not relax any thing upon this article.

Being he knows all the consequences of it, he will be very sensible of the pleasure which England will give him, in contributing that Tournay and its district may be restored, and omusing all demands about Condé to be laid aside. and to give real tokens of it to that crown, his majesty will oblige himself, that if Tournay and its district are returned to him, that all demands about Condé be laid aside, and that he keeps that piece by the peace. In this case he will consent, purely out of regard to England, to fill up the port of Dunkirk; though his majesty being sensible of the damage that this article, so strenuously demanded by the English, will be to him, has always refused to agree to it.

He will moreover consent to demolish the fortifications of Burgh St. Dinox, with Fort Francois which belongs to it: and even, if it is necessary, to yield this demolished town to the prince to whom the Netherlands shall belong.

He will likewise consent to leave the cannon and the stores of war which shall be found in the places he will yield, on condition that the cannon and stores of war do likewise remain in the places which shall be yielded to him, and belong to his majesty.

The agreement ought to be reciprocal; either to leave all the artillery, and what belongs to it, in the places which are to be yielded, as well on the king's side, as on that of his enemies; or to regulate the quantity which shall be left in each of the places.

The renunciation which is demanded of the king, is a clause taken out of the preliminaries of 1709. There would be many reasons to refuse it, as unnecessary, and even as absurd; but his majesty is willing to agree to it.

Being the principality reserved of the princess des Ursini has no relation to the public affairs, the king desires the difficulty on this head may be surmounted.

3. As to the trade of Spain and the Indies, it shall be on the same foot it was in the reign of Charles 2. And as to that of France, it shall be as it is stipulated by the treaty of Ryswick; and the Tariff of 1664 shall be followed excepting the four species of merchandize, on the conditions which shall be agreed upon.—*Dem. for St. Gen.* It is reserved to treat concerning the four species of merchandize.—*K's Ans.* The king agrees to it.

No. 35.

ANNE R.

Instructions for our right Trusty and well beloved cousin and counsellor Henry Viscount Bolingbroke, whom we have appointed to go to the Court of France.

You are immediately to repair to the court of France; and, being arrived there, to demand an audience of his most christian majesty.

You are to present to this prince, our letter which is herewith delivered to you; and to acquaint him that we observe, with great concern that new difficulties have arisen, and new delays have been created in the negotiation, which we thought on the point of being concluded. That we have sent you over fully instructed in all our intentions, and fully authorised to treat and settle every thing necessary to remove the obstructions which hinder the general suspension of arms from taking place; That you are likewise impowered to concert with his ministers the most proper means of preventing such other differences as can be now foreseen, and of settling the treaty of peace in such a course as may bring it to a happy and speedy conclusion.

You are to add the assurances of our earnest desire to see a perfect good understanding between the two nations restored: and to use all other terms of civility, which may be proper in our name.

When you proceed to treat with the ministers of this court, you will begin, by acquainting them, that we have directed and impowered you to conclude and execute the convention for a general suspension of arms by sea and land, between us and France and Spain; And we do hereby authorise you accordingly to agree to the same for two, for three, or four months, or to continue it till the conclusion of the peace.

But whereas we have not yet received satisfaction in those demands which we have thought fit to make in the behalf of the duke of Savoy; And whereas the settlement of the term for the suspension of arms must in great measure be governed by the time, which the complete execution of the article for preventing the Union of the two monarchies of France and Spain, will require; you are therefore, before you sign the convention aforesaid, to expect positive assurances that the terms which we demand of France and Spain shall be made good to his royal highness, and as far forth as possible to adjust and determine the forms of the several renunciations and settlements.

As to the barrier which his royal highness demands and judges necessary for his security on the side of France, you are not required to insist to have those articles immediately granted which have been hitherto peremptorily refused by his most christian majesty; nor on the other hand, are you to agree to any thing which may foreclose the duke of Savoy from negotiating for himself. This point we chuse to leave to be settled between the two powers concerned, but you will not fail to recommend to the French ministers to hasten the conclusion of it, insinuating to them that though you can agree to the suspension of arms without waiting to have this barrier entirely settled, yet that you do not imagine there will be any possibility of prevailing on us to sign the peace with France and Spain, unless

full satisfaction be given to his royal highness, and unless we can take him along with us in the doing thereof.

There seems to be little or no difference between what has been proposed from hence, and what is agreed to on the part of France, concerning the right to be established in the duke of Savoy and his children, immediately after Philip and his children, to the succession to the crown of Spain and the West Indies.

You are therefore to have this article again explained, and to bring it as near as possible to the terms made use of in the memorial drawn by the count de Maffei upon this subject.

Concerning the cession of Sicily, you are to insist that it be made in the manner demanded by us; and that this act, as well as those necessary on the precedent head, be finished at the same time as the renunciations and settlements of the crowns of France and Spain shall be made.

You are to refuse to consent to defer the actual surrender of the island to his royal highness till the general peace; But you are at liberty to agree that he shall not take possession thereof, until his and our peace be made with France and Spain. In other respects, you will bring this article likewise as near as possible to the terms made use of by the count de Maffei in his memorial.

It seems too indifferent to either side, whether a formal suspension of arms be agreed to between France and Savoy, or not to have this matter much insisted on, and there may be some reasons why in prudence the duke of Savoy's accommodation should be yet a while concealed. You will therefore have the less regard to this point, and treat for his royal highness, upon the supposition and condition of his coming into the peace when we shall do so. And whereas it has been surmised that his royal highness might think of exchanging Sicily for some other territories contiguous to his own, which would by no means be agreeable to our design, or to the interests of our kingdoms; you may therefore consent to an article to prevent the exchange or alienation of this kingdom from the house of Savoy.

As to the second point which you are to adjust, as far forth as is possible, we have directed what has been prepared by the civilians upon this subject, to be put into your hands; of which you will make the best use you are able, and you will endeavour to agree the several formalities in such manner, and to concert such measures for the dispatch of them, that when the persons whom we shall think fit to appoint to be witnesses of these renunciations and settlements, shall arrive in France and Spain, there may be as little room as possible left for dispute or delay.

The most christian king being very earnest to obtain some advantageous conditions for the late elector of Bavaria; you are to inform the French ministers, that we shall readily agree to have this prince restored to all which he enjoyed in the empire, except his rank of first elector, and except the Upper Palatinate, both which are to remain and belong to the elector Palatine. We think this a sufficient concession on our part in favour of the prince abovementioned, who being in possession of Namur, Luxemburg, Charleroy, and Newpört, use may be made thereof in the general treaty of peace: and he may have an opportunity there, in exchange for these places and countries, to obtain something farther for himself.

You may however, if you shall find it for our service, consent on our part, that he have the kingdom of Sardinia yielded to him; for the obtaining whereof, the possession just now mentioned seems to be an adequate security.

In treating of the several matters entrusted to your management, you are to have especial care to avoid entangling us in any new engagements; and for that purpose, you are to say and to repeat, that we shall willingly enter into the common guarantee for supporting that settlement of Europe which shall be established by the general peace; but that we will not be tied down to any stipulation which may oblige us to make war, and especially with our old allies, in order to procure this settlement. It is advantage enough to France that the conduct of our allies has made it reasonable, just, and even necessary for us to withdraw ourselves out of the present war.

After you shall have received sufficient satisfaction in all the points before mentioned, you may proceed to speak to such articles as relate particularly to the interests of Great Britain, and endeavour to have such of them, as there may appear to be any doubt concerning, explained in the most advantageous manner.

You will likewise do your best to discover upon the several parts of the general plan of peace, what the real ultimatum of France may be; and upon this head you are to say, that when we shall conclude our treaty, it may be expedient to fix a time for the allies to come in. During which, our good offices shall be employed to reconcile the disputes which may arise, and to render the peace general. But we shall not do any thing like imposing the scheme offered by France upon our allies, or debarring them from the liberty of endeavouring to obtain still better terms for themselves.

When you shall have concluded the convention for the suspension of arms, you may dispatch to our trusty and well beloved sir John Jennings knight, our admiral, and commander in chief of our fleet in the Mediterranean, to our trusty and well beloved William Cherwynd esquire, our envoy extraordinary to the republic of Genoa, and to the commander in chief of our troops in Catalonia, our orders, which are herewith put into your hands: and at the same time you are to concert with the ministers of France, not only the safe retreat of the emperor's forces out of Catalonia, if his imperial

majesty shall think fit to withdraw them, but also the march of the Portuguese troops, which are now serving there, back to their own country.

We have likewise ordered fifty passes signed by us in blank, to be put into your hands, which you will exchange against the like number, as soon as the suspension shall be agreed; And you may acquaint the French ministers that more will be sent from hence by every opportunity. Given at our court at Windsor Castle, July 31, 1712, in the 11th year of our reign.

A. R.

No. 36.

Hague, June 5, 1712, N. S.

Madam; After all the proofs which your majesty has given during the course of your glorious reign, of your great zeal for the public good, and of your adherence to the common cause of the high allies, after so many marks you have had the goodness to give us of your tender affection, and of your friendship to our republic, and after the repeated assurances you have given us, and that very lately too, of your intentions, that your troops should act against the common enemy, until the war was concluded by a general peace: it is impossible we should not be surprised and afflicted by two declarations we have lately received one after another, in the name of your majesty; the first by the duke of Ormond, your general, that he could undertake nothing without new orders from you; the other by the bishop of Bristol, your plenipotentiary to the congress at Utrecht; that your majesty perceiving that we did not answer as we ought the proposal which you had made us, and that we would not act in concert with your ministers, on the subject of peace, you would take your measures apart; and that you did not look upon yourself to be now under any obligation whatever with respect to us.

As soon as we had notice of those declarations, we sent orders to our minister, who has the honour to reside at your majesty's court, to represent to you the reasons of our surprise, and the consequences of those declarations, and to request you with that respect which we always had, and which we shall for ever entertain for your royal person, that you give other orders to the duke of Ormond, that he may act with all possible vigour, according to the exigency of the war; and that your majesty would have the goodness to entertain other sentiments of us, than those which the bishop of Bristol has declared to our plenipotentiaries at Utrecht.

But the more we consider those declarations, the more important we find them, and the more we apprehend the consequences. Therefore we could not forbear applying ourselves by this letter directly to your majesty, hoping that you will consider it, as we promise ourselves you will, both from your great prudence and wisdom, and from your so much famed zeal for the public welfare; particularly from your usual friendship and affection for us and our republic.

We protest before all things, that as we ever had a true friendship, as well as the highest respect for your majesty, and a sincere affection to all your interests, with an earnest desire to live in a perfect good understanding and union with you: we have still the same sentiments, and shall always preserve them, asking for nothing more, than to be able to give your majesty the most convincing proofs of it.

After this, we pray your majesty to consider, according to your great penetration, whether we have not just ground to be surprised, when we see a stop put, by an order in your majesty's name, without our knowledge, to the operations of the confederate army, the finest and strongest which perhaps has been in the field during the whole course of the war, and provided with all necessaries to act with vigour; and this after they had marched, according to the resolution taken in concert with your majesty's general, almost up to the enemy, with a great superiority both as to the number and goodness of troops, and animated with a noble courage and zeal to acquit themselves bravely; so that in all human appearance, and with the divine assistance, which we have experienced so visibly on so many other occasions, we should have been able, either by battle or sieges, to gain great advantages over the enemy, to have bettered the affairs of the allies, and to facilitate the negotiations of peace.

We flatter ourselves indeed with the hopes which the duke of Ormond has given us, that in a few days he expects other orders; but in the mean time we are sorry to see one of the finest opportunities lost, being uncertain whether we shall have another so favourable, since the enemy have time given them to fortify themselves and take their precautions, while the army of the allies lies still without action; and consuming the forage all round, deprive themselves of the means of subsisting for time to come, in those places, where by concert, the operations of the campaign were designed; which may make such enterprizes impossible hereafter, as were practicable now, and consequently render the whole campaign unsuccessful, to the inestimable prejudice of the common cause of the high allies.

Certainly when we consider the army, as it really is composed of the troops of your majesty and the other allies, joined together by common concert, to act for the greatest advantage and furtherance of the common cause, and the assurances which your majesty had given us by your letters, by your ministers, and last of all, by your general the duke of Ormond, of your intentions, that your troops should be ordered to act with their usual vigour, as well as the engagements into which your majesty is entered, not only with respect to us but also separately and jointly with us, in respect to the other allies, it is very difficult for

us to, conjecture and conceive, how an order, so prejudicial to the common cause, given so suddenly without our knowledge, and undoubtedly too without the knowledge of the other allies, can agree and consist with the nature of an alliance, and with those assurances and engagements just now mentioned. For though according to the declaration of the bishop of Bristol, your majesty holds yourself to be disengaged from every obligation with regard to us, it is plain that the matter now in question, is not our particular interest or advantage, but that of all the allies, who will suffer by the prejudice which an order, so little expected, must needs bring to the common cause.

But, madam, we cannot forbear telling your majesty, that the declaration made by the bishop of Bristol at Utrecht has no less surprised us, than that of the duke of Ormond in the army. It appears to us so extraordinary, that we know not how to reconcile it with the great goodness and kindness which your majesty has always honoured us with; and not being able to conceive how such a sudden change could happen with respect to us; we are not only surprised, but afflicted at it. We have carefully examined our conduct, and find nothing in it that can have given ground to that dissatisfaction which your majesty expresses with us by this declaration.

From the very first day that your majesty ascended the throne, we testified all the deference that you could desire from a state in friendship and alliance with you. We carefully sought after your amity and affection; and considering the happy effects, which a good intelligence, harmony, and union, betwixt your majesty and us, and the two nations, might produce, and have really produced, and the advantage which resulted from thence to both, as well as to the common cause of all the allies, we made it our business heartily to cultivate them, and more and more to gain your majesty's confidence, and to conform ourselves to your sentiments as much as possibly we could.

We think that we gave a signal proof of this, particularly with regard to the negotiations of peace, since not only after we were informed of the conferences formerly held in England upon this subject, we did expect that your majesty would give us an account of them: having this firm confidence in your friendship for our republic, and in your zeal for the good of the common cause, that nothing would be done to prejudice us and the other allies; but also when your majesty communicated to us the preliminary articles signed by M. Mesnager in England, and when you proposed to us the calling and holding a congress for a general peace, and required of us to grant, for this end, necessary passports for the enemy's ministers, we consented to it, though we had many reasons which to us seemed very well grounded, not to enter into such a treaty without a better foundation, or at least without the concurrence of the other allies; but we preferred your majesty's sentiments to our own, in order to give you a new proof of our deference.

We did no less with respect to the difficulties which were started on the subject of the treaty of mutual guaranty for the succession of the Protestant line to your majesty's kingdoms, and for our barrier; a treaty of such importance to the two nations, that we look upon it as the strongest tie that could be thought on to unite for ever the hearts and interests of both, concluded after the maturest deliberation, and ratified on both sides in the most authentic form: for though we might have stood to the treaty as it was, yet we entered into a negotiation upon those difficulties, and particularly on the point of the Assiento, concerning which we gave our plenipotentiaries such instructions, that we no longer doubted but all the difficulties would have been adjusted to mutual content, and that we should thereby have entirely regained your majesty's confidence, and the rather, because in the first place, when the meeting of a congress for a general peace was in hand, your majesty declared to us by your ambassador, that you desired no more than our concurrence in that single point, and this only mark of our confidence, and that then you would give us strong and real proofs of your affection towards us, and of your upright intentions with respect to the common cause of all the allies; and that afterwards, when the difficulties about the succession and the barrier were raised, your majesty did likewise assure us, that if we would remit something upon the most essential points, and particularly about the affair of the Assiento, it would be the true way to re-establish a mutual confidence, which being once restored, your majesty would take particularly to heart the interest of this state, and act in conjunction with us, in the whole negotiation, to obtain an honourable, good, and sure peace.

But we find ourselves very much out in our expectation, since, at the very same time, when we made the greatest advances towards your majesty, and that we did verily believe we should come to an agreement about the points in difference, we see the earl of Strafford gone without finishing that affair, we see the army stopt in the beginning of its career, and we hear a declaration, by which your majesty looks upon yourself to be disengaged from all obligations with us; for which the reasons alleged are, That we have not answered, as we ought, the advances your majesty made towards us, and that we would not act in concert with your ministers about the peace.

If your majesty will be pleased to look with a favourable and equitable eye upon our conduct, we flatter ourselves, and have a firm confidence, that you will find nothing in it which can give you such disadvantageous ideas and thoughts of us, but that you will rather find that we have performed, and do still perform, all that we are bound to, as good and faithful allies, and particularly to your majesty.

What we have said already might perhaps be

sufficient to persuade you of it, but we must add, that having always esteemed your majesty's affection, and a good harmony betwixt the two nations, as one of the strongest supports of our state, and of the protestant religion, and as one of the most effectual methods to maintain and advance our common interests, and those of the whole confederacy; and this sincere opinion being firmly imprinted on our hearts, we were never backward to communicate and consult in all confidence with your majesty and your ministers upon the affairs of the peace, according to the foundations laid down in the grand alliance and other treaties; we declare that we have always been inclinable and ready to do it, and are so still, as far as we can, without prejudice to the other allies, and without departing from or acting against the engagements, treaties, and alliances, which we have entered into.

But, madam, all the proposals hitherto made to us upon that subject were couched in very general terms, without communicating to us the result of the negotiations betwixt your majesty's ministers and those of France, nor even your majesty's thoughts about the subject, which we ought to have concerted together; it is true that in some of the last conferences your majesty's ministers demanded to know whether ours were furnished with a full power, and authorised to draw up a plan for the peace; but it had been just, before such a thing was demanded of us, that they should have communicated the result of the negotiations so long treated of betwixt your majesty's ministers and those of the enemy; or at least they should have told us your majesty's thoughts.

Had that plan related only to your majesty's interests and ours, we should perhaps have been in the wrong not to have forthwith come into it, though even in that case the affair would not have been without its difficulties, since the least notice of it which should have come to the enemy must have been very prejudicial; but as the plan in question concerned the interest of all the allies, and almost all Europe, we had very strong apprehensions, that as the particular negotiations betwixt your majesty's ministers and those of France, and the readiness with which we consented to the congress at Utrecht, and to the giving of passports to the enemy's ministers, had already occasioned abundance of suspicions and much uneasiness to his imperial majesty and the other allies; we say, we apprehend that his imperial majesty and the other allies coming to know (which would have been very difficult to conceal from them) the concert betwixt your majesty's ministers and ours for a plan of peace, and that before the ministers of France had given a specific answer to the demands of the allies, their suspicions and uneasiness would have increased, and that way of proceeding might have given them ground to entertain prejudicial thoughts, as if it had been the intention of your majesty and us to abandon the grand alliance and the common cause, or at least that we alone took upon us to determine the fate of all the other allies; by which his imperial majesty and the other confederates might have been pushed on to separate measures, and to take such steps as would be no ways agreeable to your majesty's interest nor ours.

We thought these reasons strong enough to justify our conduct to your majesty on this head, and if we did not enter, with all the readiness which you might have wished for, into the concert proposed, we hope that at most your majesty will look upon our backwardness only as an excess of prudence, or of scruple, and not in the least as a want of confidence in your majesty, while the allies might have considered it as a departing from the treaties, and particularly from the eighth article of the grand alliance: we also hope that your majesty (for the reasons here alleged) will lay aside those hard thoughts of us, as if we had not answered, as we ought, the advances which your majesty made towards us, and that we would not act in concert with your ministers upon the subject of the peace. But, madam, though your majesty should not acquiesce in our reasons (of which, however, we cannot doubt) we pray your majesty to consider whether that be sufficient for your majesty to think that you are disengaged from all obligations with respect to us.

Had we acted against, and contravened the engagements and treaties which we had the honour to conclude with your majesty, we might have expected from your goodness and justice that you would have represented those contraventions to us, and not have looked upon yourself to be disengaged till such time as we had refused to give all necessary redress; but as we did no ways engage to enter with your majesty into a concert, to draw up a plan of peace, without the participation of the other members of the grand alliance, the backwardness we have shewn upon that head cannot be looked upon as a contravention of our engagements, and therefore cannot serve to disengage your majesty from yours, with respect to us; since we are verily persuaded that we have fully answered all our treaties, and all our alliances, both with your majesty and with the high allies in general, and that we have done more in this present war than could in justice and equity have been expected from us; all the difference betwixt your majesty and us in this point is no more, if rightly considered, than a disparity of sentiments.

In truth, madam, if for such a cause betwixt potentates allied and united together by the strongest and strictest ties of alliance, interest, and religion, any one of those potentates could quit all their engagements, and disengage themselves from all their obligations, there is no tie so strong which may not be broke at any time, and we know of no engagements that could be relied on in time to come.

We assure ourselves, that when your majesty considers the consequences, you will not persist in the declaration which the bishop of Bristol has made; we beseech you with all the

respect, and all the earnestness of which we are capable, that you would not; and also that you would be pleased to revoke the order given to the duke of Ormond, if it be not revoked already, and that you would authorize him to act according to occurrences, and as the exigency of the war and the advancement of the common cause shall require.

We also request you, madam, to communicate to us the result of the conferences betwixt your ministers and those of the enemy, or at least your thoughts upon the peace; and we will endeavour to give your majesty all imaginable proofs of our deference for your sentiments, and of our sincere desire to preserve your valuable friendship as much as we can, without acting contrary to the faith of the engagements into which we have entered by treaties and alliances with your majesty and other potentates.

We are firmly persuaded, that it is not your majesty's intention in any manner to break them, since you have always been of the same opinion with us and the other allies, that a good union betwixt the allies, not only during the present war, but also after the peace shall be concluded, is, and always will be, the most solid, and even the only method to preserve the liberty and independency of all together, and of every one in particular, against the great power of France.

We expect also, that after having given such great and signal proofs of your wisdom, of your firmness, and of your zeal, for the support of the common cause, your majesty will not now take such resolutions as may be prejudicial to us and the other allies, but that, in order to obtain an honourable, sure, and general peace, you will pursue the same methods, and keep to the same maxims, which you formerly held, and which Almighty God hath blessed in so remarkable a manner by victories and great events, which will render the glory of your majesty's reign immortal.

We again renew to your majesty the assurances of our high and perfect esteem for your person and friendship, as also of our intentions and sincere desires to entertain with your majesty the same good correspondence, harmony, and union, as before, and to cultivate the same betwixt the two nations, as far as it shall be in our power; and we pray your majesty to preserve likewise for us and our republic your former affection. We refer for the rest to what the Sieur Van Borsele, our envoy extraordinary, has further to say to your majesty on this subject. And pray the Almighty, &c.

No. 37.

Fontainbleau, Aug. 21, N. S. 1712.

My Lord; I left Calais on Monday, according to what I writ to your lordship from that place, and proceeded on my journey to Paris, where I arrived about six o'clock, Wednesday in the evening. On the road I took all possible precautions to conceal my name, and to avoid all sort of ceremony, by stopping to refresh myself as little as possible, and when I did stop, by chusing to do it out of the great towns. My care was, however, in a great measure fruitless; and they did their utmost in the places through which I passed, to shew their respects to the queen; so that I arrived at least as much fatigued with compliment as tired with my journey.

Soon after I got out of my chaise, a gentleman came to me from Madame de Croissy, brought her coach, invited me to supper, and told me that M. de Torcy was coming post from Fontainbleau to meet me. In effect I had not been long at the Hotel de Croissi before he arrived. There was no resisting his importunities, as well as his mother's, and I was forced to continue with them during my stay at Paris. In these two days I lost no time, but pursued her majesty's instructions with all the application I am master of; and I humbly hope that I have been so happy as to answer the purposes for which she sent me hither.

We began with the interests of the duke of Savoy; from whence the principal obstacle to the conclusion of the suspension of arms by sea and land arose, and after some contestation have adjusted them in this manner.

The right of this prince and of his family to the crown of Spain and the Indies, after Philip and his descendants, is to be substituted in the same acts, and at the same time, as the several renunciations and settlements are made, declared, and confirmed, which are necessary to accomplish the article for preventing the union of the two monarchies.

M. de Torcy endeavoured to leave this point more loose, and rather to defer securing the succession of the House of Savoy, or at least not to establish it in the same acts as are to pass on the other occasion, but as I judged this to be the surest and most authentic manner, I insisted, and he yielded.

On the cession of Sicily he would have adhered to the terms of his last dispatch, and urged the absurdity of giving this kingdom away till they were sure of making peace with Savoy. It was not difficult to shew that he had already departed from this argument, and that there could be no reasonable objection to Philip's making a cession of Sicily to the duke of Savoy at the same time as he consented to secure to him the succession of Spain and the Indies: that if a peace did not follow, every thing which had been done would of course be void, and that if it did follow, the consideration for which this island was yielded would be obtained. This point being over, there was little dispute about the time when his royal highness shall be put into the actual possession of this kingdom; we have settled it to be on the ratification of a general peace, or of a peace between the queen, France, Spain, and Savoy.

The count de Maffei may not perhaps be satisfied with this agreement; and I remember, in his memorial he desired his master might be at liberty at any time to take possession; but

the duke of Savoy ought to look upon it as a very good bargain, and to be contented to have the advantages, which are to accrue to him, put into his hands, whon those which her majesty stipulates for herself are put into hers.

I wish I could have prevailed on the head of the barrier as far as I did on the other two; but it was impossible, at least it was so for me M. de Torcy represented, that Exiles, Fenestrelles, and the valley of Pragelas, besides the restitution of all which France is in possession of, was the utmost which the king would ever consent, or had ever consented, to give: That when the ministers of Savoy made, in Holland, the same ulterior demands which they now make, the pensionnry laughed at them, and even, at that time, did not push him to comply with them: that, under pretence of security, his royal highness really sought an aggrandisement at the expence of France, and out of the ancient domain of this crown: that, though a king of France was a more powerful prince than a duke of Savoy; yet that the latter, backed by a confederacy, which is the only case wherein he will attempt any thing, is a dreadful enemy to the former: that they have here a minority to expect, and therefore ought to be the more careful not to leave the frontiers of their kingdom exposed: In short, that Sicily was an ample recompence to his royal highness for all the services he had done the queen; and that if her majesty was easy, he was sure the duke of Savoy would submit. he concluded, by repeating very earnestly, that the king never would grant him a larger barrier, and that his majesty insisted to put this negative now, since he was resolved to do it at last, least the duke should, by continuing in hopes, spin out the treaty, and delay concluding his peace; for which reason he likewise insisted that the queen should concur in this negative.

It is needless to lengthen my dispatch by telling your lordship what answers I made to those representations; I replied in the best manner I was able, and ended, as I am instructed, by letting this minister know, that the queen would consent to nothing which should foreclose his royal highness from obtaining what, for ought she knew, might be necessary; that this point therefore must not be now looked upon as determined, but must be left open for the ministers of Savoy to debate; that I did not understand her majesty's intentions to be to enlarge the duke of Savoy's dominions out of those of France; but that I was sure she would not sign a peace unless this prince's security was really and effectually provided for, which France having promised in general terms to all the allies, could not refuse in any particular to the duke of Savoy.

The next head to which we proceeded, was that of the renunciations and settlements, necessary to prevent the union of the two crowns; and, in treating of this, I cannot say that I met with any difficulty: I gave no hopes that any expedient would be accepted to sign the peace before this article was entirely accomplished, though M. de Torcy proposed that the peace should not be delayed for it, but the ratifications should. He has since consulted M. Bergheyk, and they are of opinion, that a month's, or, at farthest, six weeks time, will suffice to pass all the forms; so that I am desired to recommend the dispatch of my lord Lexington, or whoever else the queen shall think fit to send, into Spain; and I crave leave to say, that it would be extremely out of course, if in France and Spain they should be ready to finish this important article, and we should, on our parts, not be ready to witness the execution of it; especially when we push the concluding of the peace, and refuse to sign until all these forms are perfected

The draught of Philip's act of renunciation, and the minutes taken by M. de Torcy and me, both which I transmit to your lordship, will, I suppose, be a sufficient groundwork of instructions to those whom her majesty shall chuse to send hither and to Madrid.

The last point, that on which we had the warmest debates, was concerning the elector of Bavaria. As soon as I arrived at Paris, I heard that he was come to Chaillot, in the neighbourhood, and M. de Torcy either was, or affected to be, under some uneasiness at the reproaches which this prince would, he said, with reason give them, unless they provided better for him than the queen had hitherto seemed inclined to allow.

He turned this matter several ways, and made variety of propositions, which it was plain enough were not *extempore*, though he appeared desirous I should look upon them as sudden thoughts which occurred to him in treating. At last he rested on this, That the queen should engage to procure for the elector the duchy and electorate of Bavaria, exclusive of the upper palatinate, and the rank in the electoral college, which I had from the first peremptorily rejected; and that she should further promise to maintain him in the possession of the duchies and towns of Luxemburg and Namur, and in the possession of Charleroy and Nieuport, until such an equivalent for these countries and places was given him, as he should be satisfied with. This proposition I positively refused to assent to, and told M. de Torcy very plainly, that leaving these towns and places in the elector's possession till he had such an equivalent as he should be satisfied with, was really giving them absolutely to him; which I knew her majesty neither could or would admit. Further, that her majesty would enter into no engagements to procure any thing for the elector, or even to use her offices in his behalf; that the towns and places which this prince is in possession of would very probably be an inducement to the allies to give him something in lieu of them: that her majesty would not oppose his having Sardinia; which equivalent had been proposed first from hence This I let him know was the sum of all he was to expect from the queen; and your lordships will find the minutes drawn accordingly.

Having on precedent occasions as well as this, perceived, that M. de Torcy affected to hint a very expression in such a manner as to engage the queen jointly with the king his master, I thought proper, very explicitly, and in the strongest terms I could use, to say that the queen would enter readily into the common guaranty for supporting that settlement of Europe, which should by the peace be made, but that she would on no account whatsoever be concerned in any stipulation to procure this settlement; that it would be advantage sufficient for France, if the conduct of her majesty's allies made it just and necessary for her to withdraw herself out of the war before them; and that afterwards her good offices should be employed as became the common friend of all parties

I take occasion frequently to repeat this to the French ministers; and I believe they will look upon it as the rule which her majesty has laid down, and which they shall not be able to prevail on her to depart from.

On Saturday in the evening I came to Fontainbleau, where an apartment was provided for me, and my reception was particularly civil. On Sunday at nine in the morning I had audience of the king, to whom I presented her majesty's letter

He received me in a very gracious manner; he talked a considerable time with me, and the substance of what he said, as near as I can remember, for his speech was extremely quick, was, That he had ever had the highest esteem for the queen: that she had proceeded in such a manner as to turn that esteem into the sincerest friendship: that he hoped she was satisfied he had done every thing on his part which might facilitate the peace: That he was pleased to find we were so near concluding: that there were some who used all endeavours to obstruct it, but that, God be praised, they would not be long able to do so: That God would hinder them from giving the law which they pretended to: That the success of his arms should make no alteration in him: And that he would make good all he had offered.

Fontainbleau, Aug. 22, N. S 1712.

After I had had my audience yesterday of the king, I returned with M. de Torcy, to view the minutes we had taken, and the draught for the convention of the suspension of arms, which we signed in the evening. Your lordship will observe, that it is dated on Friday last, at which time the first bouillon was prepared; and I thought that every day which the commencement of it was put backward, was some degree of advantage to us: the term is of four months, which M. de Torcy desired, as more likely to have its effect on the Dutch than a shorter term, which might have suffered them to entertain hopes still of breaking out measures, and bringing the queen into action again. I did not much weigh the force of this argument, though I think it has somewhat determined me to agree to four months, according to the latitude left in my instructions, was first what I be remembered to have been the sense of several merchants whom I spoke with before I left London, who all seemed desirous of the longest term, and thought that two months would not encourage many people to venture upon some voyages Secondly, that a term of two months would as effectually cut off all prospect of acting by land this campaign, as a term of four; and that therefore the sea service would be chiefly affected by this suspension, where we have more to apprehend than to hope.

Monsieur de Torcy had inserted in the draught these words, 'les Mers qui entouteat les Isles Britanniques,' and cited the treaty of Breda as a precedent. I shewed him, that before that treaty, the expression had always run 'Maribus Britannicis,' particularly in the treaty with Cromwell; and that the error committed in that of Breda, had been rectified in that of Ryswick He insisted more than I expected on retaining his word, and entered a little into the dispute of dominion. This made me the more tenacious, and your lordship will find these words, 'les Mers qui entourent les isles,' razed out; so that it stands now as it ought to do.

The suspension being now signed, I shall, pursuant to my instructions, dispatch her majesty's orders to sir John Jennings, to Mr. Chetwynd, and to the officer who commands the queen's troops in Catalonia.

M. de Torcy is likewise very earnest that the duke of Argyll be dispatched, judging his presence necessary upon this new turn of affairs for the common interest; I cannot help thinking it is so, particularly for her majesty's service.

Just now the duke of Orleans told me, that the king had this morning, at his levee, declared that the suspension of arms was signed; and M. de Torcy informs me, that they intend tomorrow to publish it at Paris. I will therefore lose no time in dispatching this courier, as soon as I receive, (which I expect every moment) the copy of the act of renunciation which has been prepared in Spain, and wherein the Spaniards seem to have neglected no expression which could add to the strength, and no form which could add to the validity of it; Philip's consent to the cancelling the entry of 1700, mentioned in the convention for the suspension of arms in Flanders, and the inserting the substitution of the duke of Savoy, will be the subjects of additional clauses. I shall be extremely concerned if the queen does not receive this account before the news comes any other way; but I lose no time, and I hope the messenger will lose none.

The fifty passes in blank I have not yet received, but hope to have them time enough to accompany this dispatch.

The chevalier has fixed his departure on the first of next month, N. S. They propose that he shall retire to Bar; and they intend to write to the duke of Lorrain, to ask of the emperor

and other princes, a security for his person during his residence in that place.

I must not conclude this letter without asking your lordship's pardon for a piece of false news, which I sent you from Calais, concerning an action at Pont a Rache; the story was told us with so many circumstances, that I made no doubt of the truth of it, especially when the mayor of the place quoted a letter which he said he received from his son-in-law, who was at that time in the army.

I inclose the convention for the armistice in the Netherlands, which your lordship will have occasion for, and which, with the act of renunciation, and with the minutes transmitted to you, will afford sufficient materials for my lord Lexington's instructions.

As I intend to leave this place on Wednesday at furthest, it will be proper to lose no time in dispatching a letter of credence to Mr. Prior, to whom your lordship will likewise please as soon as possible, to send the queen's ratification.

This letter is already swolen to so great a bulk, that I believe your lordship is very willing I should refer to another opportunity such further accounts as I have to give of my proceedings. I am, My Lord, your lordships, most humble and obedient servant,

BOLINGBROKE.

Since I closed my letter, Monsieur de Torcy sent me word, a courier is arrived from Turin in his way to England; and desired to know if I would have him go on, which I did not think proper to hinder. I suppose this courier is dispatched to the count de Maffei, upon the impatience which the duke of Savoy is under, upon not hearing from hence, according to what he was made to expect by his minister's letters, which went by way of Holland some time ago.

I am only to observe to your lordship, that the sooner you take an opportunity of speaking to the count de Maffei, the better.

Besides the papers mentioned in my letter, I send your lordship a form of publication of the suspension, and a memoir which I received from M de Torcy concerning some articles of trade. General Stanhope is just arrived here in his way to Britain. BOLINGBROKE.

No. 38.

Letter from the French King to the Queen of Great Britain.

Versailles, October 28 1712.

Madam, my Sister;

You having acquainted me, that you have an intire confidence in Mr. Prior, I thought he would be more capable than any body, to inform you of the new proofs that I am ready to give you, of the particular regard I have for you, as also of my desire to terminate, without any delay, in concert with you, the negotiation of peace. He goes into England to give you an account of the further advances that I am willing to make, to facilitate an intire conclusion of this work. I would have you therefore regard what I do in this decisive conjuncture, as new and certain marks of my friendship for you; and do me that pleasure to acknowledge them, by interesting yourself with me in favour of the elector of Bavaria. I do not remind you of the ties of blood which unite him as well to you as to me, nor of many other reasons which ought to render you sensible of his condition: It is sufficient for me that you are sensible of the concern that I have in what regards him, and I am persuaded that this will be the principal motive that will press you to act in his favour. I expect with impatience the return of Mr Prior, whose conduct is very agreeable to me: And as he will assure you of what my sentiments are, I will only add that he cannot sufficiently express the perfect esteem and sincere friendship that I have for you. I am, madam, my sister, your good brother, LOUIS.

No. 39.

The Queen's Letter to the French King.

Windsor, Nov. 14, 1712.

Monsieur, my brother;

I have received with a very sincere pleasure the agreeable letter which Mr. Prior brought me from you. As your consummate wisdom hath taken the resolution that is most proper to fix the terms of the peace, you will be persuaded, that I will not, on my part, lose a moment to hasten the conclusion of it. I assure you that the great facility that you are willing to lend towards it, out of a regard to me, shall be made no other use of, than to be employed, without any delay, to re-establish the public tranquility, according to the wishes of us both. By the orders that I give to my ministers at Utrecht, it will appear, that I do all that is in my power at the present conjuncture, in favour of a prince whose interest is supported by your generosity

I don't at all doubt but he himself is fully convinced of it, and that all the world agrees in it. I again repeat, Monsieur my brother, that the consideration of your friendship will be a very prevailing motive to engage me a new in his interest, and in the interest of his family, as occasion shall offer, for the future: As to the rest, I send back Mr. Prior to Versailles, who in continuing to conduct himself in the manner that shall be intirely agreeable to you, does no more than execute to a tittle the orders which I have given him; and amongst all the proofs of his duty and zeal for my service, I expect, in a very particular manner, that he should take all possible occasions to repeat to you the esteem and perfect regard that I have for you, and my earnest desire to live with you in a sincere and perpetual friendship.

No. 40.

September 26, 1712.

Lord Bolingbroke to Lords Plenipotentiaries.

Declaration to be made by the French Plenipotentiaries.

(*Extract.*)

The plenipotentiaries of the king at Utrecht shall declare to those of Great Britain, that his majesty consents to treat of the peace according to the plan proposed by her Britannic majesty in her last speech to her parliament; but they shall at the same time also declare, that the Dutch having refused to conform to the sentiments of this princess, rejected the suspension of Arms, and given occasion to the change of affairs, it is but justice that his majesty receive restitution of the expences he has been obliged to be at during the course of this campaign. His majesty therefore agrees that the plan sent by him to London, last April, be exactly followed. And this is the precise declaration which his majesty's plenipotentiaries shall make to those of the queen of Great Britain.

But upon the forementioned grounds the king orders his plenipotentiaries not to sign the peace, but upon condition that the city of Tournay be restored to him, besides the restitution of the other places he demands, and which he has reason to believe her Britannic majesty intended to comprehend in her speech.

The king will continue to use all imaginable care in pressing, as soon as possible, the conclusion of the peace between his majesty and the king of Spain on one side, and the queen of Great Britain, king of Portugal, and the duke of Savoy on the other, leaving to the Dutch the liberty of doing what they shall judge most proper.

No. 41.

Consul Poulson's Letter *to Mr.* Methuen.

March 22, 1714-15.

Since the cessation of arms, the British subjects in the Canaries have been under continual vexations. By an order from the bishop of Gironda, in the king's name, the British ships paid only the ordinary customs, without any other demands: but upon the present general's arrival he explained that order, so as to exclude all goods that were not, as they said, properly English manufactures, though imported by Englishmen in English bottoms, whereby of late his majesty's subjects have paid above 3000*l.*

No. 42.

Mr. Herr's *Letter to Mr. Secretary* Stanhope.

May 6, 1715.

By an order from court, published by the governor of Valencia, all strangers must pay in place of Alcavalas and Miltones, a duty they call Quartals, which amounts to 14*l.* per cent. and this to be computed from the beginning of the year 1714, for the goods they had paid customs for at the rate of 15*l.* per cent. so that in all, they pay 29*l.* per cent. on all sorts of merchandize entered: which, besides the exorbitances of the duty, has this great inconveniency with it, that the factors had stated their accounts with the merchants at 15*l.* per cent. They are also exposed to the quartering of soldiers, at so much a day, if they refuse, till this duty is paid: Such demands were never known to be made before of the British subjects, the duties they paid in the reign of king Charles 2 not exceeding 7½ per cent.

No. 43.

Sir Martin Westcomb's *and Consul* Russel's *Letter to Mr.* Methuen.

May 12, 1715.

The not allowing the customs in the form as in king Charles the 2d's time, has put a stop to trade, and must necessarily ruin all commerce; Don Juan Antonio Zavalos having published an order, that all the Gratias in favour of the merchants, which they had ever enjoyed, should cease. And that, for the future, all goods imported and exported shall pay to the full, according to the valuation in the book of rates, which on some goods is 25*l.* per cent. and on others 28*l.*

No. 44.

Mr. Methuen's Memorial *to the King of Spain. April* 22, *N. S.* 1715.

The underwritten minister of the king of Great Britain most humbly represents to his catholic majesty, that he finds himself obliged, by the commands and instructions he has received from the king his master, to demand in his majesty's name,

That all the privileges and concessions the kings of Spain have ever granted to the British merchants, by their royal Schedulas or ordinances, and by the articles of the treaty of peace and friendship made at Madrid in the year 1667, may be fully confirmed, as they are in effect by the eighth article of the treaty of peace and friendship, concluded at Utrecht, the 13th day of July, N. S. 1713, between the crowns of Great Britain and Spain. That the trade of the British merchants in all the ports of the kingdom of Spain may be established, and remain upon the same foot as it stood in the time of King Charles the Second, and before the declaration of the last war.

That the British merchants may not for the present, or future, be obliged to pay any other duties and customs on the goods they import into the several ports of this kingdom, or export out of them, than those which they paid on the same goods, in the reign of king Charles the Second.

That the same method as was then practised, in the manner of collecting those customs, may be now, and for the time to come, observed; and that in the payment of them, the British merchants may be allowed the same grants, favours, abatements, and deductions, as were allowed them at any time during the reign of king Charles the Second, by the farmers of the customs, or the administrators of the king. And his Britannic majesty hopes that his catholic majesty will make no difficulty in granting to his subjects the same liberties, indulgences, and favours, in their trade to his dominions, as they formerly enjoyed; since his majesty desires nothing herein that can be any detriment or prejudice to his catholic majesty, or the interest of his own subjects; but, on the contrary, what has been allowed by the kings his predecessors, and practised as well by their administrators of the customs, as by the farmers of them.

That all the articles contained in the treaty of navigation and commerce, concluded at Utrecht, between the crowns of Great Britain and Spain, on the 9th day of December, N. S. 1713, so far as they are detrimental and derogatory to the privileges and concessions of the royal schedulas and ordinances, granted, at any time, by the kings of Spain to the British merchants, and to the articles of the treaty at Madrid, in the year 1667, may be declared null and void.

And particularly the three separate articles called the three explanatory articles, continued only in the ratification of the said treaty of navigation and commerce, concluded at Utrecht, as having been inserted and obtained in a very extraordinary manner, without having been first settled or signed by any of the ministers of both crowns, that were impowered to conclude the said treaty

That his catholic majesty will be pleased to grant to the British merchants, that they may have the privilege of having a judge conservator in all the parts of Spain where the judges conservators have been formerly allowed, till the death of king Charles the Second: And that the said judges conservators may be vested with the same power and authority, for the defence and protection of his Britannic majesty's subjects, and their exemptions in trade, as was formerly granted them, and constantly enjoyed, by virtue of the royal Schedulas or ordinances, dated the 19th day of March, the 26th of June, and 9th of November, in the year 1645, and confirmed by the ninth article of the treaty made at Madrid in the year 1667.

As to the first point contained in this memorial, which is, that the trade of the British merchants in Spain, may be established upon the same foot as it was in the time of king Charles the Second; the minister of the king of Great Britain hopes it will appear to his catholic majesty to be founded on justice and reason, when his majesty will be pleased to consider,

That the French nation, which drives a considerable trade to this kingdom, has always traded and does now continue to do so, wholly upon the same foot; there being no other treaties of commerce between the crowns of Spain and France subsisting, but those which have been made either before the time of king Charles the Second or during the reign of that prince.

As also in the 17th article of the treaty of peace and commerce concluded at Utrecht, the 26th of June, 1714, between his catholic majesty and the States General, it is stipulated in favour of the States, that their subjects shall enjoy the same privileges, franchises, and exemptions in their navigation and commerce, without any exception or reserve, as they did enjoy before the last war.

From whence it follows, that the king of Great Britain's subjects having, by all the treaties between both crowns, an undoubted right to all the privileges, liberties, and immunities in trade which have been, or may be granted to any other nation whatsoever, they cannot be with justice, refused the same privileges and exemptions, in their trade, as are granted or continued to other nations, and were enjoyed by them before the last war, during the reign of king Charles the second. As to the last point, which relates to the judges conservators, besides the just right the subjects of the king of Great Britain have to that privilege, the same which is now demanded for them being already granted in express words to those of the States General, by the 29th article of the above mentioned treaty, between his catholic majesty and the States, the minister of the king of Great Britain hopes his majesty will make no difficulty in granting it also to the subjects of the king his master.

And it is certain, that if these judges conservators had been established, as they should have been immediately after the cessation of arms and conclusion of the peace it would have hindered most of the disputes which have happened between the king's officers, and the subjects of the king of Great Britain, since those differences might have ended in the places where they began; which would have prevented the many oppressions the king of Great Britain's subjects have laboured under, the great number of law suits now depending before the council of war at Madrid, and the intire ruin of several poor people and their families for ever, some of which have been here near two years soliciting for justice, without having been yet able to obtain any decision of their causes. Given at Madrid, the 23d day of April, N. S. 1715.

No. 45.

INSTRUCTIONS *to Mitford Crow, esq; Given at our court at St. James's, March 7, 1705. in the third year of our reign.*

(Extract.)

ANNA R.

Being informed that the people of Catalonia

are inclined to cast off the yoke imposed upon them by the French, and by withdrawing themselves from the power of the duke of Anjou, to return to the obedience of the house of Austria, We desiring to maintain and improve that good disposition in them, and to induce them to put the same speedily in execution; and reposing special confidence in your fidelity and prudence, as also for the knowledge you have of those countries and people, have made choice of you to carry on so great a work for the advantage of our service, and the good of the common cause, as is the making the treaty with the Catalans, or any other people of Spain, to the purposes aforesaid. You are therefore, upon receipt of these our instructions, and other your dispatches, to repair, as soon as conveniently you can, to Genoa, Leghorn, or such other neuter country or place as you shall judge most proper for carrying on our service in this particular; and, being arrived there, you are to treat with the said Catalans, or any other people of Spain, about their coming into the interest of Charles third, king of Spain, and joining with us and our allies. To which purpose, you shall inform yourself what number of ships and land forces, what quantity of arms and ammunition they may expect; and likewise what number of land forces may be thought requisite for supporting them, and for facilitating this design. And, on the other side, what force of horse and foot they will be obliged to raise, and in what time; what provisions of all sorts they can supply for our fleet and army; and at what time they will expect the assistance of our troops, and where the forces shall meet, and in what manner they may best co-operate. You shall as often as conveniently you can, give an account to the earl of Galaway of the progress you make in this negotiation, in order to the better concerting the operations, and the manner of rendering what is done on the Portugal side most beneficial towards carrying on and promoting what shall be undertaken by the Catalans, as well as for rendering any undertakings on the side of Catalonia, by way of diversion or otherwise, most advantageous for promoting such designs as may be undertaken in Portugal, or on any part of the coast of Spain. And it is chiefly to be considered, in what place and manner our fleet and landmen on board, and that accompany it, may be employed to the best advantage.

You are not only to correspond with the earl of Gallway, but also with the prince of Hesse, and with the admiral of our fleet, and commander in chief of our forces, when, and as often, as you shall see occasion for the good of our service; and likewise with Richard Hill, esq; or other our envoy extraordinary with the duke of Savoy. And, in case of any emergent occasion, you may send an express to our said envoy, desiring him to send to you, without delay, such of our frigates now in the Mediterranean, under his direction, as can most conveniently be had, and to obey such orders as you shall give; Whereupon you are hereby empowered to dispatch such frigate to Lisbon, to our fleet, or Gibraltar, as our service may require, for the better promoting this undertaking.

You shall give the Catalans, or other Spaniards, assurances of our utmost endeavours to procure the establishment of all such rights and immunities as they have formerly enjoyed under the house of Austria, and the confirmation of such titles as may have been conferred on any of them by the duke of Anjou; and that we have, for their further satisfaction, sent to king Charles third, for powers for confirming the same to them, which we do not doubt the success of; and what we are willing, it they insist on it, to give our guarantee that it shall be done.

You may give them an account of the forces we intend to employ on the coast of Spain this year; which are intended to consist of 64 ships of the line, with frigates, tenders, and transports, with 8000 English and Dutch landmen, to be employed as shall be judged best for the service; But you are to make use of this upon occasion, to excite them to make the greater provision on their part; not acquainting them with the whole strength at the first, but raising it by degrees, so as to get the better terms.

In case any of the nobility shall insist to have any sum of money to be advanced to them upon condition of services to be performed by them, you are to give an account thereof to us; and in the mean time you are to assure them that you do not doubt, but you shall be empowered to remit to them whatsoever is necessary and reasonable for their support, as soon as they are actually in the field. But you are always to remember to put a just value on the extraordinary expence her majesty is at, upon account of this expedition, for the common benefit.

No. 46.

Mr. Crow's Commission *to treat with the Catalans.*

Anne R.

Anne, by the grace of God, queen of Great Britain, France, and Ireland, defender of the faith, &c. To all to whom these presents shall come, greeting. Whereas it highly concerns us, as well as our allies, that the Spaniards shaking off the heavy yoke of the dominion of France, should return to the obedience of the most august house of Austria, which that nation has, for several ages, found to be mild; and, being informed that the most noble principality of Catalonia are desirous so to do; In order to promote so good a design, and even with our succours of money, and the help of our arms, to bring it as soon as possible to an happy end; We think fit to enter into a treaty with the said principality, or any other province of Spain, upon condition they acknowledge and receive Charles the third, as lawful king of Spain, and utterly abdicate the house of Bour-

bon; and that, to this end, they join their strength and troops with ours, to attack the duke of Anjou and his adherents. Know ye therefore, that we have fully empowered our trusty and well beloved Mitford Crowe, esq. (who is acquainted with those countries) to make an alliance between us, and the said principality, or any other province of Spain: and have ordered him, as we, by virtue of these presents, empower and order him, to confer, agree upon, and do and conclude every thing with the deputies of the said principality, or any other province, also fully empowered, that may conduce to the finishing so good a work; And we do promise, that whatever he shall transact and conclude in our name, in the said treaty of alliance between us and the said principality, or any other province, we will accept and ratify the same. In witness whereof we have signed these presents, and caused our seal to be affixed to the same. Given at our court at St James's, the 7th of March, 1705, in the third year of our reign.

No. 47.

Mr. Crow's Credentials *to the Catalans, &c.*

Anne, by the grace of God, queen of Great Britain, France, and Ireland, defender of the faith, &c. To the most illustrious, most noble, and most excellent lords, the dukes, marquises, counts, barons, nobles, gentlemen, magistrates of towns, and governors of places, or any their officers, both military and civil, of the principality of Catalonia, or any others whosoever of any province in Spain, to whom these presents shall come, greeting. Whereas we have taken up arms to vindicate the liberties of Europe against the exhorbitant power of France, and to this end we make our efforts to prevent the neighbouring nations from becoming its slaves; and being also informed that you have always had a fervent zeal for liberty, and that you seem to disdain the yoke of the dominion of France, which is laid on your necks: and that you design, as becomes brave men, to shake off the same; We have therefore thought fit to send our trusty and well beloved Mitford Crowe, esq. towards you, long since known to some amongst you, not only to know your thoughts upon this subject and to confirm you in so brave a design, but we have also fully empowered him to treat with you, and to do every thing that may conduce to the finishing this good work. We hope therefore that his coming will be acceptable to you, and we desire you, for the same reason, that you will hear him favourably, and give an intire faith to every thing he shall tell you in our name. Given at our palace at St James's March 7, 1705, in the third year of our reign.

St. James's May 1, 1705.

Instructions *to the Earl of Peterborough and Sir Cloudesly Shovel.*

(Extract.)

Whereas nothing can be of more importance to the common cause, or prove more conducing to the establishment of king Charles III. on the throne of Spain, than the possession of Barcelona and Cadiz: we therefore command you to concur to the utmost of your power, with all such measures as may be proposed to you, for the reduction of those important places. But since there is reason to believe, that the attempts on Cadiz will be more practicable in your return, you are therefore, without loss of time, to proceed to the coast of Catalonia, leaving the execution of the attempt on Cadiz to a more proper season, when they less expect you, and when you may probably have some assistance from the army in Portugal, and the garrison of Gibraltar. And, being arrived on the coast of Catalonia, we require and command you to do the best you can, to induce the Catalans to co-operate with you for the reduction of Spain to the obedience of king Charles III. And you are to encourage those people whom we think well-affected to the House of Austria, to shake off the yoke of France: and, to animate them to prosecute their liberty with more vigour, you are hereby empowered to assure them, that they shall not want our support; and you may promise them, in our name, that we will secure them a confirmation of their rights and liberties, from the king of Spain, that they may be settled, on a lasting foundation, to them and their posterities; and you must use your best endeavours, that the declarations to be issued by his catholic majesty be suitable and agreeing with those published by our order. But in case you find no suitable returns from the Catalans and Spaniards to our kind offers, and that they are not to be prevailed on, by fair means, to espouse the interests of the House of Austria, then you are to take proper measures for annoying the towns on the coast of Spain, and reduce them by force: In this, and all other services, governing yourselves, as before directed, by council of war.

You are to correspond with Mitford Crowe, esq; who is now at Genoa by our command, in order to send advices of the dispositions of the Catalulans

No. 49.

Earl of Peterborough's Manifesto *in Spain.*

To all the loyal Subjects of the Monarchy of Spain, of what Rank or Quality soever, Churchmen or Laymen, within the dominions of the Crown of Spain, greeting.

Our Sovereign Lady, Anne, by the Grace of God, Queen of Great Britain, France and Ireland, &c. having thought fit to constitute and nominate us, general of the troops which her majesty has joined with those of the lords the States General, and which are employed to maintain the just right of the most august House of Austria to the monarchy of Spain, and to assist their other allies: we have judged it necessary and convenient to declare, before we proceed to open force, that we are not come

into these parts to take possession of any place in the name of her Britannic majesty, or of the lords the States General, or to bring into these countries the ordinary devastations and usual calamities of war; but to defend and protect the good and loyal subjects of the said monarchy, and to free them from the insupportable yoke of a government of foreigners, and from the slavery to which they have been reduced and sold to France, by ill-designing persons. The intention, therefore, of her said majesty, and of the lords the States General, being to maintain the just right of the House of Austria, and the liberty and privileges of the subjects of his catholic majesty: we declare and promise, by these presents, that all loyal and true Spaniards, who shall not oppose our forces, but give demonstrations of their loyal and due obedience to their king, Charles the third, shall be protected and maintained in their religion, persons, estates, offices, and privileges, without any molestation. But if (contrary to our hopes) the inhabitants and people of these countries shall not concur with us in the execution of the good intentions of her said majesty, and of the lords the States General, we take God to witness, that they wilfully draw upon themselves all the hostilities which may be committed by the forces under our command; and that the blame will be at the door of such Spaniards, who when so fair an opportunity is offered them, to give proofs of their loyalty, and follow the motives of their duty and interest, shall let slip so favourable a conjuncture.

No. 50.

EXTRACT *of Lord Lexington's* INSTRUCTIONS *which he went Ambassador to Spain. Dated at Windsor, the 1st day of Sept.* 1712.

As soon as you receive these our instructions, and your other dispatches, you shall repair, with all diligence, to Madrid, or wherever else you are informed the court is. Upon your arrival you shall immediately give notice thereof to the secretary of state, and acquaint him that you are come thither upon the assurances we have had from the most christian king, that you shall be kindly treated, and that you shall be permitted to be present in person at the solemnity of the renunciation that is to be made to the crown of France. You shall, at the same time, let him know, that we have fully authorised you, to take upon you the character of our ambassador extraordinary, and to acknowledge the king of Spain and the Indies as soon as he shall have made his renunciation in the form agreed on, and shall acknowledge the succession to the imperial crown of these realms, in the protestant line, in the House of Hanover, in the same manner the French king has done, and shall have signified to you his resolutions to execute whatever has been stipulated by the most christian king in his behalf.

You are to represent to his majesty, or his ministers, that it is no less for his interest than for our honour, that a general amnesty be granted, without exception, to all Spaniards who have adhered to the House of Austria, and in a particular manner to the Catalans, with regard to their persons, estates, dignities, and privileges.

No. 51.

EXTRACT *of the* DEMANDS *made by Lord Lexington to the court of Madrid, on the part of the Queen of Great Britain, October* 1712.

Art. 2. The queen of Great Britain prays his majesty to grant a general amnesty, without exception, to all Spaniards, who have adhered to the house of Austria, and particularly the Catalans, the queen thinking it as necessary to the interests of his Catholic majesty, as for her honour.

No. 52.

Lord DARTMOUTH *to the Marquis de* MONTLEONE, *Jan. 14th*, 1712-13.

Sir; The queen having understood by the duke of Shrewsbury's last letters, that the catholic king did not intend that the amnesty be granted to the Catalans, should extend to the preservation of their privileges; I cannot express to you sir, how much surprise her majesty shewed upon it: for to speak plainly to you, it was never thought his catholic majesty designed to take away the lives of the inhabitants of a whole province, so there was no occasion to provide for it by a treaty. The sole thing then intended in stipulating a general amnesty, could be no other, than that this province should be permitted to enjoy the same privileges, and be upon the same foot in every respect, as it was at the death of the late king of Spain, Charles the 2d. The Queen, sir, has ordered me to represent this to your excellency in a most earnest manner, as a matter in which her majesty's honour is very much concerned, that she looks upon it as an article already stipulated in all its forms, and which she thinks herself obliged by motives of conscience not to depart from.

No. 53.

Translation of Lord LEXINGTON's *Letter to Mr.* ORRY, *Aug. 16th*, 1713.

I set out to-morrow for the Escurial, to enjoy the only moment of leisure I have had since my arrival at Madrid. I beg I may have an answer to my last memorial touching St. Sacrament, at my return, to send it away by the next post; also I intreat you, sir, to consider well your own interests, if you will not do it in regard to the instances of the queen my mistress, your suspension of arms on that side, which ends in less than two months; the necessity you are under to withdraw your troops from Andalousia, to put an end to the rebellion of the Catalans; and of it would not for these

reasons be very much for your convenience, to make peace with Portugal in the present conjuncture. I ask you a thousand pardons for concerning myself in your affairs.

No. 54.

Extract of the King of SPAIN's *Answer to my Lord* LEXINGTON's *Memorial, Dec.* 15, 1712.

As to the amnesty which is proposed and desired in the sixth point for the Catalans, though his majesty might refuse it, as well on account of the little those people have deserved from him, as of the condition to which they are now reduced in the little ground they are possessed of in that principality, being without the assistance of her majesty of Great Britain's troops, and those of Portugal, which are withdrawn, and his majesty's troops, and those of the king his grandfather, being ready to enter, in the very month of December, by three several ways into their country; notwithstanding all these reasons, his majesty, more out of complaisance to her British majesty, and to give her satisfaction, than for any of the arguments that have been offered, is willing to grant his pardon to all the Catalans, who acknowledging the king's clemency, and repenting them of their error shall submit to his dominion and vassalage, within the time that shall be prefixed for that purpose.

No. 55.

Extract of the Convention for evacuating Catalonia, &c. March 14, 1713.

Art. 1. All the troops of the emperor and of the allies shall be sent away out of the principality of Catalonia, and the islands of Majorca and Ivica.

8. Moreover a general amnesty and a perpetual oblivion, &c. shall be granted, and shall be published immediately, in due form, from the time that the evacuation begins, for all the subjects and the inhabitants of Catalonia, and of the said islands, as well secular as ecclesiastical.

9. But whereas the plenipotentiaries of his imperial majesty have still insisted upon the enjoyment of the privileges of the Catalans, and of the subjects and inhabitants of Majorca and Ivica, before the evacuation, put on the part of France, and of her allies, whatever relates to this affair, is referred to the conclusion of the future peace, her royal majesty of Great Britain, has again declared, that she will interpose her good offices in the most effectual manner, whenever there shall be occasion, that for the future, the inhabitants of Catalonia, Majorca, and Ivica, may enjoy their privileges, to which the said imperial plenipotentiary ministers did at last acquiesce, since the most christian king himself had ordered it to be declared by his plenipotentiary ministers that he would also join his endeavours for that purpose.

Printed in the Savoy by the Executors

No. 56.

Extract of a letter from Lord LEXINGTON *to the Lord* BARTMOUTH, *August* 7, 1713.

Monsieur Orry spoke to me from the king last week, saying that his majesty desired, that the queen would be pleased to lend him six or more ships to block up Barcelona, and this morning the princess pressed me extremely upon the same subject; I answered to both, that I could say nothing to it, but that I was afraid it would meet with this difficulty, that her majesty would be very unwilling to lend her ships to exterminate a people, that had taken up arms in a great measure at the instigation of her ministers; and that she would think she had done enough to gratify the king of Spain, in not insisting upon the preserving for them their ancient liberties, without helping to destroy them; and that if his majesty could have been prevailed upon to have been less rigid upon that head, all this had been avoided, and the Catalans perhaps in a great tranquillity, and as obedient subjects as any in Spain at this day.

No. 57.

Translation of the Lord LEXINGTON's *Letter to the Deputies of* BARCELONA. *Nov.* 28, 1713.

Gentlemen;

I wish I could have seen, before my departure for England, the desires of the queen my mistress accomplished, but it is so long since I have received her majesty's orders to return, that I cannot defer the same any longer, and I set out this day from Madrid, in order to go and embark at Lisbon, where one of our men of war stays for me, so that the best I thought I could do for you, was to employ the last moments of my stay, in supplicating anew the king your master, to receive your obedience in the words of the treaty of Utrecht, and to pardon your refusal of the amnesty which was offered you by his catholic majesty. I charge the consul at Alicant to convey this letter to you, under any pretext whatsoever, and that it may be delivered safe to you, that it may induce you, for your own good, to take the resolution of having recourse to the king's clemency. There are advices here which assure, as, that you have applied to the queen my mistress, for using her good offices with the catholic king, for obtaining this favour in your behalf; relying upon those advices, I venture writing to you upon this subject, having always been desirous to contribute to every thing most favourable that might be demanded for you at this juncture, which is such, that I must repeat to you, I cannot give you a better advice, than that of accepting the amnesty in the manner it was offered you, since God has not permitted that any thing more could be obtained in your favour. I leave my secretary at Madrid, to whom the consul will transmit your answer, which may come to my hands at Lisbon, before

I embark, in case you take your resolutions without any delay, and soon enough for that purpose, I could write from thence in such a manner as you should desire, having always been full of good will for you, and ready to lay hold of all opportunities of shewing you how much I am, &c.

No. 58.

Extract of a Letter from Lord LEXINGTON *to M.* ORRY, *Nov.* 30, 1715.

Sir; I send you the letter for the gentlemen of Barcelona, as we have concerted it, and approved by his majesty, a letter for the count of Lecheraine, and another for our consul at Alicant; it is necessary that the count of Lecheraine should be made privy to this matter, for otherwise it would be very difficult to persuade any one to undertake such an affair, which leads directly to the gallows. You must either secure the person by a passport, that will undertake it, or give him a good reward, otherwise you will find nobody to do it.

I desire you, sir, to be perfectly persuaded, that where-ever I am you have a faithful servant sensible of all the obligations you have laid upon me, I desire you to lay me at the feet of the king and of the queen, to whose service I shall be devoted all my life, I go away deeply affected with all the favours and civilities their majesties have shown me on all occasions. I shall have an eternal gratitude for all the marks of goodness of madam the princess, and will not fail to acquaint the queen with the zeal she has always shewed for her majesty's service.

No. 59.

Extract of a Letter from Mr BURCH, *to Mr.* TILSON, *Dec.* 4, 1713, *N. S.*

His lordship orders me to send you likewise the letter, mentioned therein, to the gentlemen of the deputation of Barcelona, which his excellency has been persuaded to write, at the repeated desire of this court.

That about a fortnight ago this was proposed to his excellency by the French ambassador, who at the same time read a paragraph out of a letter from M. de Torcy, wherein he says, that the queen had desired his master to join with her, in order to induce this court to accommodate that affair; to which his lordship answered, that he could say nothing to it, since he had received no orders to that purpose.

That the same was afterwards proposed by the princess, and in a very pressing manner, the morning before his lordship left this court, and at the same time told him, that the king desired he would come to him that evening; which his lordship accordingly did, when his majesty was pleased to tell him, that he had received a letter from his grandfather to the same purpose with what the French ambassador had before told him, and that therefore he desired his lordship would write such a letter; upon which his excellency told his majesty much the same as what you will find marked in this letter to Mr Orry; however he thought he could not refuse to comply with his majesty's repeated desire upon this occasion, especially since there is nothing contained in the said letter, but what has been agreed upon at Utrecht, and his lordship was the more inclined thereto, for this reason, that if they had a mind to accommodate, the queen would have the mediation; and if they had not, that then this court would see, that her majesty would be always ready to serve them, and how necessary she might be to them upon all occasions, which his lordship hoped, would very much hasten the conclusion of the peace.

No. 60.

Extract of Sir PATRICK LAWLESS's *Representation to the Lord* BOLINGBROKE, *Sept.* 9, 1713.

Whereas the treaty for the evacuating of Catalonia has not been effectuated on the part of his imperial majesty, and that the inhabitants of Barcelona and Majorca do still refuse to put themselves under the king of Spain's subjections, live in an hostile manner, committing great depredations at sea, and interrupting all commerce and correspondence in the Mediterranean; in which it is apprehended they will be assisted by the Algerines and other Moors, to the universal detriment of all the trading nations of Europe, unless some speedy means be found to prevent the same by a naval strength: It is submitted to the consideration of her majesty, not only as guarantee of the aforesaid treaty of evacuation, but as it so materially concerns the interest of Great Britain; and therefore his catholic majesty hopes, that her majesty will order a squadron of her ships of war, for the purpose of suppressing those evil practices, reducing his catholic majesty's subjects to their obedience, and thereby complete the tranquility of Spain, and of the Mediterranean commerce.

No. 61.

Extract of the Instructions for Sir James WISHART, *February* 28, 1715.

Whereas frequent complaints have been made to us, that the trade of our subjects has been interrupted in those seas in an unusual and extraordinary manner by ships and vessels belonging to Catalonia, Majorca, Sardinia, Naples, and other places; you are therefore upon all such complaints which you shall receive from hence, or which shall be brought there by our subjects claiming your protection, to apply in the most proper method you can for restitution to be made, and satisfaction to be given; and you are to let the persons concerned know, that in case of refusal, you are directed to make reprisals, and accordingly

when you judge it necessary, you are to make reprisals upon such as refuse to do justice to our subjects; We being determined to do all that in us lies towards restoring the free and peaceable navigation of those seas, and securing the quiet and unmolested commerce of all fair and lawful traders.

You will have herewith put into your hands an authentic copy attested by Theophilus Blyke, late commissary of our stores at Barcelona, of the receipt given there, for such part of the said stores as were taken forcibly from him in the month of August last, notwithstanding his procuring an article of his instructions, by which he was forbid to deliver out any stores unless by direction from our captain general, or commander in chief of our forces; you will have likewise a copy of a letter from the deputation at Barcelona to our high treasurer of Great Britain, and an estimate of the value of the aforesaid stores attested by the said Theophilus Blyke. Upon these foundations, when you come before the said city of Barcelona, you will in our name demand the immediate payment of the value of the said stores according to the estimate aforementioned, or a sufficient security for the payment thereof in some reasonable time; and you will further represent to the deputation of Barcelona on this occasion, that they have great reason to think themselves very tenderly used, if we only demand the value of the stores which were taken in so unjustifiable a manner, to be paid us; whereas we might with so much equity, and on so good grounds likewise insist upon a full reparation for the affront offered to us, in violently seizing our stores, and confining the person of our officer.

We have also directed that a copy of the convention made at Utrecht, for the evacuation of Catalonia, and for preserving the neutrality of Italy, should be put into your hands; we easily foresee that many complaints will be made, and that many disputes will arise concerning the performance or infraction of that convention, whereof we made ourselves contractor and guarantee in so very particular a manner. Whereof we think fit to require and command you to endeavour upon all occasions to redress any thing that may be done contrary to it, and to enforce a strict observance of it in all its parts.

Upon your repairing to Barcelona, you are likewise to give notice of your arrival to our right, &c. Robert lord Bingley, whom we have appointed to be our ambassador extraordinary at the court of Spain, and to send him an account of your proceedings; and in this and all other matters relating to our service, you will take care to correspond with our said ambassador: particularly in order to the putting an end to the disorders and confusions which now reign in those parts. And when you shall be informed by our said ambassador of the negotiations he has adjusted concerning the inhabitants of Catalonia, and towards procuring the quiet and settlement of that province, and of the island of Majorca, you shall upon such informations and advices take the necessary measures pursuant to our intentions, and the general instructions we have given you in that behalf, and according to such other instructions as you may from time to time receive relating thereunto.

No. 62.

Extract of additional Instructions for Sir James Wishart, *March* 18, 1713-14.

Whereas by our instructions to you bearing date the 28th day of February last, you are directed to give notice of your arrival at Barcelona to our right, &c. Robert lord Bingley, who is going as our ambassador extraordinary to the court of Madrid, and to pursue such measures as are therein mentioned: Our will and pleasure is, that you should take care to time your arrival before the said city of Barcelona, according to the advices which you shall receive from our said ambassador. And whereas he will be instructed to use his utmost endeavours to obtain for the people of Catalonia (notwithstanding their refusal upon the evacuation of that country by the troops of his imperial majesty, to submit to our good brother the catholic king) all the security and advantages that are possible; you shall therefore, upon receiving from our said ambassador an account of what he has been able to obtain from the court of Madrid in their behalf, endeavour by the strongest representations you can make, to induce the government of that principality to accept of the terms so obtained, and no longer to continue a war, the event of which must, sooner or later, be fatal to them.

And whereas by our instructions afore-mentioned, we did likewise direct you to demand satisfaction from the inhabitants of the island of Majorca and others, for the piratical depredations which have been and may be exercised on any of our subjects trading in those seas: Our further will and pleasure is, that you should in the first place take all proper methods of persuasion to induce the inhabitants of the said island to submit to the terms which our ambassador at Madrid aforesaid shall inform you to be offered to them; and in case they do persist in their refusal to comply with such terms, then you are to employ the squadron under your command in countenancing and assisting all attempts which may be made for the reducing of the said island of Majorca to a due obedience, that so the same having been yielded up by his imperial majesty, may become subject to some government or other, and no longer remain in the state it is at present, a harbour for pirates and robbers.

You are to take the first opportunity you have, when you are on the spot, and joining with the Spaniards in their undertakings, to settle with the officers of the court of Madrid, the several species of provision, and other necessaries which our island of Minorca shall have occasion to draw for their subsistence

from that of Majorca, and to adjust as far as possible the particular rates and prices at which the said provisions, and other necessaries shall from time to time be furnished.

You shall likewise take the best care you can that it may be understood, that our subjects of the Island of Minorca may have free leave to fetch what quantity of wood they shall want from the island of Ivica: and if you find the Spaniards to take umbrage at this practice, or to make a difficulty of allowing this liberty, then you are to insist, in consideration of the friendship between us, and the catholic king, and of the obligations which he has to us, that some agreements or convention be made for settling that matter on the best terms that can be obtained, and as shall be reasonable.

No. 63.

EXTRACT *of M. de Torcy's Letter to Mr. Prior.*

Marly, Nov. 13th, 1713

You received, Sir, sometime since, orders from the queen of Great Britain, to use her good offices with the king in favour of the Catalans, who have rebelled against the king of Spain, and of the inhabitants of Barcelona. You acquainted me, that her Britannic majesty was sure they would submit to the king their master if that prince would grant them a general amnesty, the restitution and enjoyment of all their estates, and, in short, the same conditions which he had caused to be offered them, and which they did not accept, without mentioning their ancient privileges any more.

The answer which the king just now receives from the Catholic king upon this article, is, that he is still willing to grant the same conditions to the rebellious Catalans, notwithstanding they rendered themselves unworthy of his favours, by slighting them, and although he is now in a condition to reduce them by force; he desires the king to impart his answer to the queen of Great Britain, my lord Lexington having had no orders to speak about this affair.

No 64.

EXTRACT *of my Lord Bolingbroke's Letter to Mr. Prior, Sept. 25th,* 1713.

There is a person here, of whom we have never taken the least notice as a public man, but who, however, is an agent from the Catalans. By what we observe in him, it is pretty plain, that a reasonable accomodation might be made with that turbulent people. What is the sense of the French court on this matter? How far will they concur with the queen to advising Philip to make an end of that war?

No. 65.

EXTRACT *of Sir James Wishart's Letter to my Lord Bingley, from Alicant Road, the 19th of May* 1714, *O S.*

I take leave to acquaint your excellency, that, upon my arrival here, I received a very civil letter from M. Grimaldo, his Catholic majesty's principal secretary of state, in answer to that I wrote to him from Cadiz, together with the king's order for our being exempted from paying the duties of such wine, oil, and other provisions, as we should have occasion for, in his ports; but the prices of them are so very high, that, though we have now that privilege, we must think of being supplied elsewhere in the Mediterranean, it we don't find them cheaper in some other ports of Spain.

My lord, whereas it has been usual that the grant of exemption from the said duties has been made to the admiral and commander in chief of her majesty's ships when on these coasts: I desire your excellency may be pleased to move that the said grant be made to myself, if you think convement; but as this is but a trifle, I submit it to your better judgment, whether the granting of it may not be a means to prevent any thing that might be intended from the court of Madrid more to my advantage, and do leave it intirely to your consideration what may be most for my interest at that place. And I hope, by your lordship's friendship, to find some marks of favour from thence, in regard of the very great expence I am at in this expedition, which is so much intended for their service, and for which I have no allowance from home, but my pay, which won't defray half my charges.

No. 66.

EXTRACT *of Sir James Wishart's Letter to Lord Bingley, from Alicant Road, May the 21st,* 1714, *O. S.*

My lord, in my letter of the 19th instant, I desired the favor of your excellency to move the King of Spain, that the grant of exemption of the duties of wine, oil, &c. should be to myself, in regard that those who have been admirals of her majesty's fleet formerly in the Mediterranean, have had the same benefit? but, upon a further consideration of this matter, which is but of small moment, and that it may appear much greater than it really is, both at the court of Spain and England, I desire your excellency may not take any notice of it, but let the grant stand as it does.

My lord, on any other occasion that the court of Madrid might take, to express their good will to me, I humbly beg your excellency's countenance and assistance, leaving it intirely to you to do therein as you shall think fit.

No. 67.

Copy of a LETTER *from Sir James Wishart to the Government of Barcelona, from on board the Rippon, at Sea, July 8,* 1714. *O. S.*

Whereas many complaints have been made from time to time, of the frequent disturbances given to the commerce of the subjects of the queen of Great Britain, by ships and vessels carrying your commission, which have insolently presumed to take, carry up, and plunder their

ships, and to use the men belonging to them in a barbarous manner; I have thought fit to send to you captain Gordon, who commands her majesty's ships of war, the Moor and Launceston, to represent to you those unwarrantable and presumptuous proceedings: and, by command of the queen my mistress, I do demand satisfaction for the same, expecting that it be immediately given, by your making restitution to the several parties injured, compensating to them their losses and damages, and punishing the commanders and officers of your ships and vessels which have committed those depredations, with the utmost severity, as the nature of those crimes deserves. Understanding that some of those ships and vessels, commissioned by you, do belong to Majorca and Ivica, I have also demanded from the marquis de Rubi, that he do on his part in procuring the satisfaction aforesaid: which he has promised me to do; And if what is so justly demanded of you be not punctually complied with, I leave to yourselves to judge what the consequences may be. I am, &c.

No. 68.

Translation of the Letter from the City of Barcelona, to Sir James Wishart, July 23, 1714, N. S.

Sir, Your excellency's letter of the 8th instant, O. S. which was delivered to us by captain Thomas Gordon and captain John Pulley, commanders of the Moor and Launceston, contains your complaints against us, that our privateers have detained the English ships, having plundered and abused them, and deprived them of the freedom of trade; for which reason your excellency demands satisfaction for damages: and, to inform us of this fact, captain Gordon has communicated to us, a memorial which we answered immediately; and we have the honour to acquaint your excellency, that only one of those vessels, mentioned in the said memorial, laden with salt, was brought into this harbour by our privateers; and that after having taken out her lading, and entirely paid the captain for the same, he would sail out of the port with all his sails, and a strong wind, the pilot having no regard to the shallowness of the water, nor to the intimation that was given him of the danger to which he exposed himself, as he experienced it; for he run a-ground at the entrance of the harbour, and got off with much difficulty, by the speedy assistance that was given him. Nevertheless we do not think we ought to pay for the damages occasioned by the ill conduct of the pilot.

As to the other ships mentioned in captain Gordon's memorial, as we have not had the least knowledge of it, we suppose there must be some mistake; it may be also that at Majorca or Ivica they may know something of it. However, we can give no account of some other ships that came into this port to sell the provisions they had on board: they were well used, and sold freely their goods at a higher price than they could have got any where else, having paid them with our best sort of money to their intire satisfaction, having thus supplied us with what we wanted, being besieged: in which condition, according to the law of nations, we are persuaded we have not acted against justice or reason, as your excellency will see by the inclosed copies of letters, which we writ to the governor of Port Mahon, and commodore George Camock, and by the answer of the former to this city; whereby we doubt not but your excellency will be convinced of the justice of our proceedings, and be made sensible, that the news spread in Europe that we lived like pirates, is a mere invention of our enemies, to render us odious to mankind, and hinder them from trading with us, thereby to deprive us of all necessaries for our subsistence, in order to reduce us the sooner. And to convince your excellency how much we value a good correspondence and union with the English nation, an order was published this day in this city, forbidding our privateers, upon pain of death, not to take, detain, or abuse any English ship, under any pretence whatsoever, although they should even carry provisions to the enemy. We hope your excellency will be so just as to approve our conduct, which is conformable to the rights of people that are besieged; assuring you, that when we shall know of any of our ships, either with commission, or without, that shall have caused the least damage to any English ship, we will not only punish them rigorously, but shall likewise be ready to make good all damages, as we told captain Gordon more at large; for we desire always to continue in that good correspondence, which we have maintained hitherto with your noble and generous nation, and to shew our most profound respect towards the queen of Great Britain; as also to obey your excellency's orders, which we earnestly desire you will please to honour us with, being with great truth and respect, &c.

No. 69.

LETTER *from the Town of Barcelona to Sir James Wishart, 23d July, 1714.*

Your excellency very well knows, that the engagement Catalonia entered into, to receive Charles the third for their king, was founded on the protection of the high allies, but most particularly of England; without which we were not capable of coming into so great an undertaking. It was carried on seven years, during which time we have always seen most valiant English troops, that have distinguished themselves not only in the sieges of places, but also in their defence; particularly in that of Cardona, which as it was the last action, so it is fresher in our memory. In all this time Catalonia endeavoured to serve the English nation to the uttermost of their power, by contributing troops, and considerable sums of money without interest. And though we had pleased ourselves with the thoughts of this happiness to be always

subjects of Charles the third, seeing him so powerfully supported; yet by the ordinary change to which human affairs are liable, we now see the troops of the duke of Anjou, assisted by the French, masters of all the principality except Barcelona and Cardona; committing through the whole, the most execrable hostilities, burnings, and plunderings, without sparing the effusion of innocent blood, and without distinction of age or sex. The enemy have for a year oppressed this town by sea and land, and we continually suffer the calamities of so long a blockade; during which time above 14,000 bombs have been thrown into the town, which have ruined the greatest part of the houses. They are now endeavouring to attack us in form, and we fear that in 24 hours the town will be battered in breach.

We cannot express to your excellency with how much grief we see the danger the inhabitants are exposed to, of becoming the victims of that cruelty with which they are threatened by the enemy; and having no other comfort left, but, to fly to the queen of Great Britain, we implore her protection by the inclosed letter to don Pablo Ignacio Dalmases, our envoy at London. In the mean time, till an answer can come, we beseech your excellency from our souls to mediate with the French troops, who oppress us, for a suspension of arms: since at the congress of Baden, where endeavours are using to conclude a general peace, this affair may still be determined. We doubt not but your excellency's mediation will be powerful enough to procure us this relief, your excellency being commander in the Mediterranean, and your squadron being superior to that of the enemy. We see no other remedy but this, in nature, to our misfortunes; and therefore we hope your excellency will not refuse us in this, our relief consists. And if Catalonia has merited any thing by its services, and by its conjunction with the English nation, this is now the time to receive the fruits of it, being worthy, by the means of your excellency, of this benefit; for which all the principality, and this town, will ever be obliged to the whole nation, and particularly to your excellency: desiring nothing more than to compensate, by our services, this favour, which we hope from your excellency's goodness. It is worthy of your excellency to comfort the afflicted, and not to deny us this favour in our great necessity. And your excellency may be assured of our perpetual gratitude; desiring your excellency to honour us with your orders and that God grant you a long life, &c.

No. 70.

Extract of Sir James Wishart's Letter to Lord Bingley from Alicant Road, August 7, 1711, O. S.

I am to acquaint your excellency, that having received a letter on the third of last month, from Monsieur de Grimaldo, secretary of state to the king of Spain, signifying to me from his majesty, that the flota from New Spain was daily expected at Cadiz, and that all his ships of war being now employed before Barcelona, he could not send any of them to meet the said flota as usual, to give them assistance in case of their being disabled, or otherwise in want thereof; and therefore desiring that three of her majesty's ships under my command, of the fourth rate, might cruize off cape St. Vincent, to look out for the said flota: I thought it proper to comply with the king's desire therein, and did accordingly order three ships of that rate to proceed on that service, and continue thereon till the middle of this month. I have acquainted my lord Bolingbroke with it, and hope to meet with her majesty's approbation of the same.

No. 71

Mr. St. John to Monsieur Torcy.

Hampton Court, 29th October, 1711.

Sir; I had answered your letter of the 21st of October, N. S. when that of the 2d of November was delivered to me. I shall no more repeat to you the assurances of a perfect sincerity; since words become useless, when there are opportunities of shewing it by deeds.

Mr. Gaultier, who will have the honour to give you this letter, will at the same time give you a description of the present situation of the affairs of peace.

It is easy for those who find their interest in the war, (I make use of your own expressions) to raise and keep up misunderstandings. This is what ill-meaning people endeavour at, as well with us as elsewhere. I am nevertheless in no great pain, since it does but depend on the most christian king to render their efforts of no use; The explications you promise me will dissipate all these clouds; and you may believe we will make use thereof with great reserve, when I assure you, that if the king would but offer, as he has heretofore done, a plan of specific preliminaries, the queen would never communicate it to her allies.

I shall conclude in assuring you, that provided the Sieur Gaultier returns with these marks of confidence, of which I make no doubt, you will see our parliament which is going to meet, as much inclinable to peace as ever it was to war. I am, &c. H. St. John.

ANNE R.

John Drummond, esq. 13,000*l.* by tallies on tin for special services of the war.

Our will and pleasure is, that by virtue of our general letters, of privy seal, bearing date the 13th day of March, in the first year of our reign, you issue and pay, or cause to be issued and paid, out of any money that is or shall be lent to us at the receipt of our exchequer, upon credit of repayment out of the moneys arising by sale of our tin, unto our trusty and well-beloved John Drummond, esq. or his assigns, the sum of 13,000*l.* without account, imprest, or other

charge; the same being for such special services relating to the war, as we have directed. And for so doing this shall be your warrant Given at our court at Windsor castle, the 15th day of October 1711, in the tenth year of our reign. By her majesty's command,
To Robert earl of Oxford, Lord High Treasurer. OXFORD.

Memorandum. A Warrant signed by Lord Trensurer on the aforegoing sign manual, November 24th, 1711.

John Drummond, esq. Out of Loans to be made on Credit of the Sale of Tin.

Order, &c. 22d of November 1711. By virtue of her majesty's letters of privy seal, bearing date the 13th March 1701, and in pursuance of a warrant under her majesty's royal sign manual, bearing date the 15th October 1711 That you deliver and pay of such her majesty's treasure as remains in your charge, unto John Drummond, esq. or his assigns the sum of 13,000*l.* without account, imprest, or other charge; the same being for such special services relating to the war, as her majesty hath directed. And these, &c. OXFORD, R. BENSON.

ANNE *R.*

John Drummond esq. 1200*l.* in Satisfaction of so much expended by him for Special Service of the War.

Our will and pleasure is, that by virtue of general letters of privy seal, bearing date the 13th March 1701, you issue and pay, or cause to be issued and paid out of any of our treasure or revenue, to the receipt of our exchequer, applicable to the uses of our civil government, unto our trusty and well beloved John Drummond, esq. or to his assigns, the sum of 1237*l.* 10*s.* without account; that is to say, 1200*l.* part thereof in satisfaction of so much by him expended by our command for special services relating to the war; and the remaining sum of 37*l.* 10*s.* is to satisfy the fees and charges on receiving the said 1200*l.* And for so doing, this shall be your warrant. Given at our court at St James's the 4th day of April 1712, in the eleventh year of our reign. By her majesty's command, OXFORD.
To Robert earl of Oxford and earl Mortimer, our High Treasurer.

Memorandum. A Warrant signed by lord treasurer on the aforegoing sign manual, the 7th April 1712.

John Drummond, esq. Order, &c. this 9th day of April 1712, by virtue of her majesty's letters of privy seal bearing date the 13th March 1701, and warrant under her majesty's royal sign manual, dated the 4th instant, that you deliver and pay of such her majesty's treasure as remains in your charge, unto John Drummond, esq. or his assigns, the sum of 1237*l.* 10*s.* without account; viz. 1200*l.* part thereof in satisfaction of so much by him expended by her majesty's command for special services relating to the war, and the remaining 37*l.* 10*s.* is to satisfy the fees and charges on receiving the said 1200*l.* And these, &c. OXFORD. R. BENSON.

N° II.

Mr. PRIOR's Account of his EXAMINATION, before the Committee of Secrecy appointed to inquire into the Negociations, relating to the Treaty of Utrecht.*

IN outward appearance, they were all very civil; set me a chair equal to the table where they sat, and next to secretary Stanhope, who had the books and papers of the secretary's office before him. Mr. Walpole the chairman said little more than mere compliment. Mr. Lechmere, with great industry had, from me, and often himself looked into papers in folio, unbound, and covered with a blue sheet. I did not then know what they were, but during the examination, I perceived it was the report then printed, and in some few days after published. He began with an affected eloquence, that as I had served in a very high employment, and with very great applause, the committee relied upon my candour and probity: That as what they asked me was for the King's service, so what I answered would be for my own honour. After this some of them began with several vague questions: What I knew of the negociation? How long I had been acquainted with the abbé Gaultier? If the propositions came first from France, or if we sent them? And desired me to give them an account of whatever I could of that whole matter; which, it seems, they thought I was so ready to do, that some of them took their pens and paper, as if I were to begin a sermon, and they to take short notes.

I said, that as I had always acted abroad by the authority of the crown of England, and had, in obedience to the king's commands, given up all the memorials and papers which related to that part of the peace in which I had a share, from Hanover to answer the honora-

* See the Proceedings of the House of Commons, June 27th 1715.

ble committee (before whom I understood such papers were) in every thing that might help to explain them: That my books were already before them; and, as I had already written to Mr. secretary Stanhope, those books must even speak for themselves. The committee seemed to acquiesce in my answer. Lord Coningsby whispered the chairman, and said, no, we will begin with the money.

The committee then desired to know what money I drew from the treasury in 1711, when I went into France. I answered, 2000*l.*; and, as I remembered, that was the sum. I had either credit from Mr Clifford, on his correspondent, or from M. Cantillon: I could not well remember which, it being now four years since. Had you these bills, some of them said, from my lord treasurer? I replied no. They asked me, was it by his order? I said, I hoped there was no occasion for a reply to that question. I presumed it would be found, as other money expended on the like occasion, by direction of the sovereign. I found they were not pleased with this answer. Walpole said, Will you think a little of the method in which this examination is to proceed? And Mr Prior will be pleased in the mean time to retire a little.

When I was called in again, the same question was asked me, and the same answer returned. I added, that I well hoped those sums, and several others of much greater importance, were paid. That otherwise, for want of knowledge in the crown laws, I should find myself a beggar; and from an hotel at Paris, might spend the rest of my days in the Counter: And here I addressed myself to Mr. Stanhope, as to what I had writ to him concerning my debts. He said, that nothing of all this concerned me. *Prior.* I must apply to you upon another head. I must own myself unexperienced in the method of parliament; I have no papers by me, I have no counsel, for want of memory or judgment I may err, and though gentlemen, I am accused of nothing, I know not but that I may accuse myself through inadvertency or mistake.

Here Mr. Stanhope rose up, and told the committee, that he had the king's particular direction, that whatever I said to them, or they to the House of Commons, should not be of any prejudice to myself. I took a sheet of paper, which lay before me, and wrote this down, as I did what they had already said to me. Here, after they had whispered, and some even separated themselves from the table to confer in a corner of the room, the chairman told me I might withdraw; which I did, leaving the notes I had taken upon the table.

When I was called in again, I found their civility much abated, and the battery quite changed. The most confused questions were put to me, upon several heads backward and forward, by Lechmere and Boscawen, and Coningsby, (the two first of whom I think understood not one word of what they were saying). Coningsby at length prevailed. Mr. Prior, you were sent out that you might have time to recollect more particularly upon whom you had credit, when my lord of Oxford sent you into France. *Prior.* I have great respect to the earl of Oxford; but he never sent me into France. And turning to Mr. Secretary Stanhope, who had the books of the office of 1711 in his hand, I said, That as I had the honour to be sent into France by the queen's especial appointment and immediate direction, I presumed the copy of my powers were to be found in the books before him. He turning to it, Mr. Prior, is this the copy of your instructions? *Prior.* I believe it is, but to give the committee no further trouble on this head, I am ready either now, or any other time, to produce the original, as I think it may tend to my service. Being asked of whom I received money in France? I answered, of M. Cantillon. *Boscawen.* Was he not a papist? *Prior.* Else, sir, he could not have been a banker at Paris, which he had been for several years before I knew him. In one word he was the common banker to whom the English addressed selves, and I think Clifford of Amsterdam was his correspondent. Stanhope and Walpole, I found frowning and nodding at each other, and extremely ashamed at this vile stuff.

Being sent out, and called in again, I found the thunder broke out. Walpole referred it to Stanhope to speak. *Stanhope.* The committee are not satisfied with your behaviour to them. I have already told you, that the lords above, and the committee here, have taken notice that they find a constant correspondence on your side to the lord treasurer, but no answers from him; whereas all your letters from lord Bolingbroke are entire, and commonly in their right order. Some of those indeed are missing. The whole committee echoed the same thing. *Prior.* I was told some hours since, by this honourable committee, that I should be asked nothing that might prejudice myself. I am a good deal confused; I have no counsel; and with great respect, I look upon this to be a downright accusation of myself, as if I should have held any correspondence I was unwilling to declare. I must refer myself to you in this point, Mr. Stanhope. The letters that we receive when abroad, from the secretaries of state, we keep, copying our answers to them, both which justify our acting according to our orders sent us; and I presume it will be found that my letters, which you have in your own keeping, answer those written to me by the secretaries of state under whose departments I acted; which letters you have likewise. You have also the letters I have wrote to the lord treasurer in my books, at least those of them that related to the public affairs, and consequently were worth keeping. I did not nor could I expect a constant correspondence from him. What I wrote was for his information; what use his lordship made of that information, I had reason to presume was for the queen's service; and the answers and directions to me were to come by the secretary of state. *Committee.* It is very

strange that not above two or three letters should appear from my lord treasurer, Did he not write more to you? *Prior.* He writ to me several times, and I obeyed his commands intimated in me therein. Those commands performed, the letters were of no use, and I no more kept them than I did letters received from other noblemen, the duke of Buckingham, the lord Halifax, lord Harcourt, then lord chancellor, &c. They related no otherwise to the negociation, than in commending me, assuring me that he represented my services to the queen in a right light, and wishing a speedy end to the negociation, that I might come home to him.

I was sent out again, and recalled; was asked how many letters I might in all have received from my lord treasurer, and what was the substance of any of them *Prior.* As to the number, I cannot particularly tell: I received a letter from him sometimes of five, sometimes of ten or twelve lines, ordering me to pay sums of money to persons who had the queen's pension, and were then in France, or recommending some of his particular friends to my acquaintance, or, which I thought much better, telling me he had ordered the payment of my bills; but I might very safely affirm, that I had no letter that could possibly concern the committee, or any body else. I have one letter that as lord treasurer he writ to me, which related to the payment of the dowry of king James's queen Mary; a thing publicly transacted, and known here in England: But as no progress was made in that affair during my stay in France, and that it did not belong to the negociation of the peace, I had not indeed given up that letter, but, as I thought, I could find it, or the copy of it, if it should have been thought of any use. In the mean time, I thought proper, in case any thing had been done in that matter, to keep that letter for my own justification; as indeed it would have been my order. *Boscawen.* Sir, you say you do not know how many letters you had; might you have ten? *Prior,* I believe I might. *Boscawen.* Might you have fourteen? *Prior,* I believe I might. *Boscawen.* Might you have 16? *Prior.* Indeed, Mr Boscawen, I have told you that I cannot answer you to any indefinite number. It was still urged with great vehemence, that I kept a constant correspondence with my lord treasurer. *Prior.* I am very far from denying it; but he did not keep a constant correspondence with me. It was my duty to write to him, and he was to make what use he pleased of my letters. I complained sometimes of the objections I met with at the court of France in the execution of my orders; and was very glad when, by the letters from the secretary of state, I found my difficulty made easier; But, gentlemen, since we are upon this subject, throughout the whole course of my letters to my lord treasurer, and even in those I wrote to the duke of Shrewsbury, after his grace's return both in England and Ireland, I still complained that my lord treasurer did not write to me. And here indeed, being very much teized and vexed, lord Coningsby raving and threatening that these letters must be produced; I said, If there be such letters in the world, that contain the secrets of the negociation written by my lord treasurer, it might be very well presumed his lordship kept copies of them, and he must produce them: For said I, by the eternal God I know of no such letters, and you know, my lord, that your countryman is no very exact correspondent. This I said, having known that lord Coningsby had troubled great men, if not my lord treasurer particularly, with letters, who had never taken care to answer him. I grant this was very foolishly said: for one should never provoke a hedge-hog. Coningsby breaking out into a great passion, This is imposing upon the committee! *Prior.* Imposing, my lord, is a very hard word He lifted up his voice in anger, and was going on: But Stanhope, yet louder than he, swore, that he could produce every individual scrip of paper that had been written to him by any man alive, or that he had written to any man during his being a minister abroad. *Prior.* Mr. Stanhope, I am sorry I cannot do the like; if it be so, you are the most careful minister that ever yet was sent abroad. They proceeded in asking me to give an account of what, they said, I must needs know of the meeting of the lords at my house with Mesnager and Gaultier. I had already heard, that they had consulted their friends of the law upon that point, and had determined to fix upon that meeting, wherein the preliminaries were signed, as an accusation of treason. How justly I leave to the judgment of all disinterested and honest men; since first, in the nature of the thing, it is impossible for any two nations in war to come ever to an accommodation, or begin any plan, upon which a future peace may be founded, without some overture and intervention of this kind. All treaties, from that of Vervens down to this day, have been thus mediated. Chieres was in Holland, and discoursed and conferred privately with M. Dyckvelt, on the part of the States, above two years before he took a public character, and signed the treaty of Ryswick. M. de Torcy was publicly in Holland, 1709, conferred with the pensioner, and the deputies of the States; and our own plenipotentiaries, the duke of Marlborough and lord Townshend, reported from those deputies to her majesty, what the French minister either proposed or granted Mesnager had as full powers as France could give, had owned the queen's authority, and seen her person; and had, by her majesty's directions, several times conferred with the lords of a committee of cabinet all the world seeing the man, and knowing the fact: so that any meeting after this could not be secret, dangerous, or treasonable. Mr St John's letter on the 25th of September, 1711, to her majesty, informs her immediately of this meeting, and her majesty approves of what is there done, by her especial warrant for signing the preli-

minaries, containing the demands made by her order*.

It may be observed that Mr. St. John writes to the queen thus,

"The committee of council met this morning at the Cockpit, and directed the earl of "Dartmouth and myself to confer with M. "Mesnager: we saw him accordingly this even"ing, at Mr Prior's house, where my lord "treasurer and lord chamberlain were likewise "present." The treason therefore, if there were any, was committed in the morning by the committee of council, and at the Cockpit, and not at Mr. Prior's house in the evening. It may properly here be added, the queen had signed a warrant the 17th of September, 1711, to the lord keeper, for full powers†, in which my lord Harcourt then lord chancellor, the earl of Oxford lord treasurer, the duke of Buckingham president of the council, the bishop of Bristol lord privy seal, the duke of Shrewsbury lord chamberlain, the earl Poulett lord steward of the household, and the earl of Dartmouth and Mr St John secretaries of state, and Matthew Prior, esq. were nominated and empowered to meet with the Sieur Mesnager, provided with sufficient authority to settle an eventual or conditional convention between her majesty and the most Christian king; and that this warrant was not made use of, for reasons given, being very natural, because they were offers only on the French side, and did not oblige her majesty to any thing: so they were only signed Mesnager, and Dartmouth and St. John are only witnesses that these articles are to be looked upon as conditions which his most Christian majesty agrees to grant, and which are afterwards to be reduced into form, and explained to the common satisfaction of Great Britain and France. Though this procedure will, without doubt, hereafter appear consonant to common sense, conducive to the safety and good of Great Britain, and justifiable by the universal custom and law of nations, 'Nunc non erat his locus.' I said, M. Mesnager had often been at my house, that the secretary of state had seen him there, that I had eat and drank, and been abroad with him several times. They took great hold of this. Boscawen expressed himself with great joy, This is more than we knew before! And from thence they ran wildly back, When I knew Gaultier? Where I had been with Mesnager? I answered to this in as general terms as I could. The chairman perceived that they would lose their point in this multiplicity of questions, and, checking their speed, restrained it to this one demand. *Chairman* What lords were present at your house at the meeting when the preliminary articles were talked of or signed? I answered, the two secretaries of state; for it is certain they were so, their names appearing in the instrument. *Chairman.* Was my lord Oxford there? *Prior.* I cannot recollect it: One of the lords were absent; whether the duke of Shrewsbury, or the earl of Oxford, I cannot tell In all sincerity and honour this is truth. They grew extremely angered upon it, and sent me out to recollect if both these lords were not present.

I came in, and assured them again, that as well as I could remember a transaction, of which I took no notes, and which was now about three years past, and of which I was so far from expecting to be called to any account, that I thought it was an honour to me, I could not determine which of the two were absent I said, again, that this was fact, that I do not remember it. I have only an idea that one of them was absent. The answer indeed had this effect, that it was the same thing as if they were both absent, since they could not determine which of them was present But upon this meeting no less accusation than an article of high treason was to be founded. Was any thing more difficult ever put upon a man, than to endeavour to extort an evidence from me, in order to bring those to the scaffold who were my friends and patrons, under whose orders formerly, and with whom jointly now, I had the honour to act, by the queen's directions, and in a matter not only innocent, but laudable! Or could any thing be more absurd, or more inhuman, than to propose to me a question by the answering of which I might (according to them) prove myself a traitor! Since, as I had heard, every man who is a partner, is a principal in treason; and notwithstanding their solemn promise, that nothing which I could say should hurt myself, I had no reason to trust them; for they violated that promise about five hours after (as I shall say anon). However, I owned I was there present. Whether this was wisely done or no, I leave to my friends to determine.

From my being taken up by order of the House of Commons, this examination was just a week. They now, after I had been turned out, and returned again, interrogated me. If since my being taken into custody, I had not seen my lord of Oxford, or any of his relations? I said, I had seen my lord Oxford the last Sunday at Mr. Thomas Harley's house; and was going on to explain that Mr. Thomas Harley and I, who were taken up at the same time, (living within three doors of each other) commonly dined together at one or the other of our houses, our respective messengers guarding us. That on Sunday going to dine with Mr. Harley, I saw my lord Oxford at the state head, going out. that I asked him if he dined with us: He told me, he was to dine in better company. That this was all that passed between us; the messenger at the bottom of the stairs heard every word I said to him. As I was telling this, they answered it was sufficient. I had seen my lord Oxford, and his near relations; which was the question asked

I here was ordered to retire, and when I was called in again, the chairman, from amongst

* Appendix to the preceding Report p. cv.
† Ibid. p. cx.

many books and papers which he had before him, (and the secretary of state had on the other side as many; and I perceived many of them were my own) the chairman, I say abruptly enough drew out one half-sheet of the large demy paper, written very foul, and razed in several places, which indeed, when he gave into my hand, I hardly knew what it was, so far as to give any reasonable account of it, it being without date or title, and, as I say, very imperfect as to the very words and style. He asked me drily, and without any other previous word, if I knew that hand? *Prior.* There are two hands in it, one is very like the hand I write when first I make any broullon. *One or two of the Committee.* Sir, what do you mean by a broullon? *Prior.* When I write any thing at first only for my own memory, as to what I would draw up after in a more perfect manner, I perused this piece of paper, and upon a little reflection, directing myself to Mr. Stanhope, said, I believe this paper contained some notes upon a letter I received from his predecessor my lord Bolingbroke. He was apprised of this before, for he readily turned to the letter which was registered in the office-book. I added, that I thought there were some notes I had taken in the French language, to enable me to speak more particularly to Monsieur de Torcy of the matters mentioned in the said secretary's letter. As that letter was written four years before, and I was not in possession of my own letters, the secretary himself and the committee could best inform themselves of the substance thereof. There was written, 'My lord, Tr. ne 'doute point que la Cour de France n'y trouve 'de remede.' Now whatever lord that might mean, they had already printed in my lord treasurer; [a] and in so doing had given that sentence the wrongest construction imaginable, as proving that my lord treasurer would give up Tourney to France; whereas the whole hint was meant to renew to the ministers at that court, that Tourney was to be given to the allies and it was to keep the court of France from endeavouring to hope the contrary. As what was in this broullon was sometimes an abridgment, and sometimes a verbal translation of my lord Bolingbroke's letter, which Mr. Stanhope still held close, and as I read the French into English, I asked him if the same sense was in the letter. He did not deny it. Comingsby grew extremely angry, and on a sudden broke out into some expressions which neither he should have uttered, nor will I repeat; and so I was ordered to withdraw again; which was in the next room, where not only a messenger of the House of Commons, but a door-keeper of the secretary's office, waited all day, and were still ready to receive me.

Being called in again, I was interrogated without method or connection, as any member of the committee pleased, and indeed with confusion and disorder enough among themselves, for they sometimes stopped each other's question, and proposed new ones of their own. At last, it came to this. *Chairman,* Mr Prior, we cannot doubt but that you are apprised of the whole affair of Tourney. Did my lord ever write about Tourney? *Prior* I cannot readily answer, as not understanding the force of the question; I believe my lord treasurer may have writ to me concerning Tourney at the beginning of the negociation: I am sure he has spoke to me about Tourney; I may be mistaken as to the time; but I think in 1711 the French insisted upon their having Tourney; But I very well remember, that the queen's instructions to her ambassadors for the general peace, were positive that the Dutch should have it; I understood the negotiation to continue always upon that foot. I added, that as the affair of the Barrier was transacted at Utrecht, I had nothing in my instructions relating to that whole matter, otherwise than as it might relate in general to the peace What I have of the whole negotiation is before you. Here Walpole and Stanhope grew mightily perplexed; one in a nullen, and the other in an unbounded passion Comingsby raved out-right. I may justly protest that I could not conceive the cause of this disorder, for I did not know that they had already founded their high treason upon the articles of Tourney, against my lord treasurer; nor can I since comprehend why they did. To shew the justice, as well as the good judgment of these men, it must certainly appear not only extravagant, but ridiculous to all that think righter than the committee, that is, to all men living, that an article of High Treason should be founded against an English minister upon Tourney, which was not given up to the French, and no mention ever made of Lisle, which actually was given up. This by the way. It may be further observed, that at that time not one third part of the committee themselves did know upon what point the accusations either against the earl of Oxford, or any man else, were to be grounded; several of them having since told me themselves, that they never either drew up or read the report; but that those things came to them, as they merrily expressed it, ready cut and dried.

But to return to my journal; this various and incoherent manner of examination having now lasted above nine hours, two of my masters (by the way) sir Richard Onslow, and general Erle, had left the committee almost at the beginning of the day; for to give them their due, they asked me very few questions while there, and by going away seemed ashamed of the proceeding, And now Walpole himself grew weary of it, and was going, but hindered, and as it were kept in the chair by Mr. Stanhope, who said openly, they could not go on without the chairman. I was ordered to withdraw, and during about half an hour's recess into the next room, or rather passage, as the door was by chance opened, I heard them extremely warm and loud with one another Whilst I was in this little room, in which the messenger, under whose custody I was, and a door-keeper of the

[a] Vide the preceding Report, p. lxvi.

secretary's office, as I have already said, were waiting, Coningsby came out by a back-way, as Boscawen did by the fore door. In this room was a trunk, and in it several papers and memorials, to which the committee had recourse during the examination. The trunk was open, and I could not but perceive by the indorsements that many of the papers were my own. Coningsby whispered the officers to take care that I should not come nigh the trunk, and really looked on me more like a fury than a man; though certainly I had all the right imaginable to see every paper that related to me in my examination, which was pretended to be made on no other foot, than that the king should be informed of what I had done for his service in the negotiation of the peace; and if the committee themselves had had really a mind to be apprised of the truth as to fact, the hindering a man whom they intended should become an evidence from seeing his own papers, was but an ill method towards his giving them a clearer intelligence.

I was now called in for the last time, and I found that they had collected several heads of what they thought proper I should set my hand to. I read them, and made some objections thereunto, but to no purpose. I said, that to many questions I had not, nor could, answer in the positive manner that was there set down: That as to divers facts, I could not take things upon my memory; That as to others, I had indeed said I believed, I thought, I heard, or understood, they were so: That the omission of these words made me say positively, and as an evidence, what I should not be able to maintain; having only answered them as my memory served me, and as much as I knew of the heads upon which I had been interrogated: knowing that they themselves had blamed my answers, for being very imperfect; and I had more than once told them, I was sorry I could not answer them more fully. I objected against these words; He confesses, that since his confinement, he has conversed with the earl of Oxford, and his nearest relations. I did not, I said, confess. Confession supposes a crime: I was told, I was accused of none: I said I had seen the earl of Oxford at Mr. Thomas Harley's; and as I was going to tell the thing again, Jesus! said Coningsby, how perjured is this man? *Prior.* My lord, have a care of ——. *Coningsby,* No, Sir, it is you that must have a care. Seeing now the face of the committee against me; knowing and presuming that if ever the duke of Shrewsbury, the earl of Oxford, or lord Bolingbroke himself, should be brought to trial, I must be sure before the lords have an opportunity of explaining what I had said, and declaring what usage I had found from the committee, I signed the paper. I cannot here omit a ridiculous instance of my Middlesex justice's skill in the law: He was just going to set his name on the left hand of the paper, where I was to have set mine: and if he had not been timely cautioned by the chairman, it would have been the deposition of 'Hugh Boscawen, jurat coram me, Matthew Prior.'

When I had thus signed the paper, the chairman told me, that the committee were not at all satisfied with my behaviour, nor could give such an account of it to the House that might merit their favour in my behalf: That at present they thought fit to lay me under a stricter confinement than that of my own house. Here Boscawen played the moralist, and Coningsby the Christian; but both very awkwardly. Boscawen said, that he had often heard Mr. Stepney, (who was a wise man, and our old friend) repeat this proverb, Near is my shirt but nearer my skin; and told me, if I had remembered that saying, and acted according to it, it would have been better for me. And Coningsby said, he had known me a long time, and was heartily sorry for my condition; but all this proceeded from my own fault. Now this kind commiseration did not last above a minute; for the messenger, to whose house they intended to confine me, being called, Coningsby asked him, if his house was secured by bolts and bars. The messenger, who is by birth a gentleman, and a very good-natured man, was astonished at the question; and answered, that he never had any in his custody but parliament prisoners, (as he expressed it,) and there were neither bolts nor bars in his house. At which Coningsby very angrily said, Sir, you must secure this prisoner; it is for the safety of the nation, if he escapes, you shall answer for it. And now I met with another hardship, which indeed I could not have expected, as I had all day taken notes of the heads of their examination, and my answers, and particularly that Mr. Stanhope had, by his majesty's order, informed the committee, that from whatever I should say in this examination nothing should or ought to redound to my prejudice. Nor indeed could it be imagined I should answer upon any other foot; for without the king's consent, I doubt, if I ought at all to have answered to the committee.

M. P.

N° III.

List of Public Acts, passed from the Accession of George the First in August 1714, to the Dissolution of the Fifth Parliament of Great Britain in March 1722.

Anno 1 *Georgii* 1, Stat. 1.

1. An Act for the better Support of his Majesty's Houshold, and of the honour and dignity of the Crown of Great Britain.

2 — for rectifying Mistakes in the Names of the Commissioners for the Land-tax for the year 1714, and for raising so much as is wanting to make up the sum of 1,400 000*l.* intended to be raised by a Lottery for the public service in the said year.

3 — to enable Persons now residing in Great Britain, to take the Oaths, and do all other acts in Great Britain, requisite to qualify themselves to continue their respective Places, Offices and Employments in Ireland.

Anno 1 *Georgii* 1, Stat. 2.

1. An Act for granting an Aid to his majesty, to be raised by a Land-tax in Great Britain, for the service of the year 1715.

2 — for charging and continuing the duties on Malt, Mum, Cyder and Perry, for the service of the year 1715, and for making forth duplicates of Exchequer-bills and Lottery-tickets, lost, burnt or destroyed; and for enlarging the time for adjusting Claims in several Lotteries, and for making forth new Orders in lieu of certain Lottery-Orders obliterated or defective; and for continuing certain Duties on Hops, until the first day of August 1715.

3. — for the better regulating the Forces to be continued in his Majesty's Service, and for the Payment of the said Forces, and of their Quarters.

4. — to explain the Act made in the twelfth year of the Reign of King William the Third, intituled, 'An Act for the further Limitation 'of the Crown, and better securing the Rights 'and Liberties of the Subject.'

5. — for preventing Tumults and riotous Assemblies, and for the more speedy and effectual punishing Rioters.

6 — for making perpetual an Act of the 7th and 8th years of the Reign of his late Majesty King William the Third, intituled, 'An Act 'that the solemn Affirmation and Declaration 'of the People called Quakers, shall be ac-'cepted instead of an Oath in the usual Form;' and for explaining and enforcing the said Act in relation to the Payment of Tithes and Church Rates; and for appointing the Form of an Affirmation to be taken by the said People called Quakers, instead of the Oath of Abjuration.

7. — for continuing the Imprisonment of Robert Blackburn, and others, for the horrid Conspiracy to assassinate the Person of his late sacred Majesty King William the Third.

8. — to impower his Majesty to secure and detain such Persons as his Majesty shall suspect are conspiring against his Person and Government.

9. — for the better preventing Mutiny and Desertion, by enforcing and making more effectual an Act of this present Parliament, intituled 'An Act for the better regulating the 'Forces to be continued in his Majesty's Ser-'vice, and for the Payment of the said Forces 'and their Quarters.'

10. — for making more effectual her late Majesty's gracious intentions for augmenting the Maintenance of the poor Clergy.

11. — to restrain all Waggoners, Carriers, and others, from drawing any Carriage with more than five Horses in Length.

12. — for enlarging the Fund of the Governor and Company of the Bank of England, relating to Exchequer-Bills; and for settling an additional Revenue of 120,000*l.* per ann. upon his Majesty during his Life, for the Service of the Civil Government; and for establishing a certain Fund of 54,600*l.* per ann. in order to raise a Sum not exceeding 910,000*l.* for the Service of the Public, by Sale of Annuities, after the Rate of 6*l.* per cent. per ann. redeemable by Parliament, and for satisfying an Arrear for Work and Materials at Blenheim, incurred whilst that Building was carried on at the Expence of her late Majesty Queen Anne, of blessed Memory; and for other Purposes therein mentioned.

13. — for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors.

14. — for making the Militia in that part of Great Britain called England, more useful;

and for obliging an annual Account to be made of Trophy-Money.

15 — to make an Act of the tenth year of her late Majesty, intituled 'An Act for regu-'lating, improving and encouraging of the 'Woollen Manufacture of mixed or medley 'Broad Cloth, and for the better Payment of 'the Poor employed therein,' more effectual for the benefit of Trade in general, and also to render more effectual an Act of the seventh year of her said Majesty's Reign, intituled, 'An 'Act for the better ascertaining the Lengths 'and Breadths of Woollen Cloth made in the 'County of York.'

16. — for the Attainder of Henry Viscount Bolingbroke of High Treason, unless he shall render himself to Justice by a Day certain therein mentioned.

17. — for the Attainder of James Duke of Ormond of High Treason, unless he shall render himself to Justice by a day certain therein mentioned.

18. — for the better preventing fresh Fish, taken by Foreigners, being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving leave to import Lobsters and Turbots in foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.

19. — for raising 910,000*l.* for Public Services, by Sale of Annuities, after the rate of 5*l.* per cent. per ann. redeemable by Parliament; and to authorize a Treaty concerning private Rights claimed by the Proprietors of the Sugar-houses in Scotland.

20. — for encouraging all Superiors, Vassals, Landlords and Tenants in Scotland, who do and shall continue in their Duty and Loyalty to his Majesty King George; and for discouraging all Superiors, Vassals, Landlords and Tenants there, who have been or shall be guilty of rebellious Practices against his said Majesty; and for making void all fraudulent Entails, Tailzies and Conveyances made there, for barring or excluding the Effect of Forfeitures that may have been, or shall be incurred there on any such account; as also for calling any suspected Person or Persons, whose Estates or principal Residence are in Scotland, to appear at Edinburgh, or where it shall be judged expedient to find Bail for their good Behaviour; and for the better disarming disaffected Persons in Scotland.

21 — for enlarging the Capital Stock and yearly Fund of the South-Sea Company, and for supplying thereby 822,032*l.* 4*s.* 8*d* to public Uses, and for raising 169,000*l* for the like Uses, by Sale of Annuities upon divers encouragements therein mentioned; and for appropriating several Supplies granted to his Majesty.

22. — for enabling his Majesty to settle a Revenue for supporting the Dignity of her Royal Highness the Princess, in case she shall survive his Royal Highness the Prince of Wales.

23. — for making Provision for the Ministers of the fifty new Churches, which are to be built in and about the Cities of London and Westminster, and Suburbs thereof; and for rebuilding and finishing the Parish Church of St. Mary Woolnoth in the said City of London.

24. — for appointing Commissioners to take, examine and state the Debts due to the Army.

25 — to prevent Disturbances by Seamen, and others, and to preserve the Stores belonging to his Majesty's Navy Royal; and also for explaining an Act for the better preventing the Imbezilment of his Majesty's Stores of War; and preventing Cheats, Frauds and Abuses in paying Seamen's Wages; and for reviving and continuing an Act for the more effectual Suppression of Piracy.

26 — for continuing several Laws therein mentioned, relating to Coals, Hemp and Flax, Irish and Scotch Linen, and the Assize of Bread; and for giving Power to adjourn the Quarter-Sessions for the County of Anglesea, for the Purposes therein mentioned.

27. — for taking and stating the Debts due and growing due to Scotland by way of Equivalent in the Terms of the Union; and for Relief of the Creditors of the Public in Scotland, and the Commissioners of the Equivalent.

28. — for repealing an Act, intituled, 'An 'Act for repealing Part of an Act passed in the 'Parliament of Scotland,' intituled, Act for discharging the Yule-Vacance.

29. — for allowing a Time for 213 Families of Protestant Palatines, now settled in Ireland, to take the Oaths in order to intitle them to all the Benefits intended them by the Act of the 7th year of her late Majesty's Reign, for naturalizing foreign Protestants.

30. — for continuing an Act of this present Session of Parliament, intituled, 'An Act to 'impower his Majesty to secure and detain 'such persons as his Majesty shall suspect are 'conspiring against his Person and Govern-'ment.'

31. — for granting an Aid to his Majesty by a Land-Tax in Great Britain, for the Service of the year 1716.

32 — to attaint John earl of Mar, William Murray, Esq. commonly called Marquis of Tullibardine, James Earl of Linlithgow, and James Drummond, Esq. commonly called lord Drummond, of High Treason.

33. — for the more easy and speedy Trial of such Persons as have levied or shall levy War against his Majesty.

34 — for preventing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

35. — to appoint a Commissioner for taking, examining and stating the Debts due to the Army, in the room of Thomas Smith, Esq. deceased, and for continuing the former Act until the 10th day of March 1716.

36 — for charging and continuing the Duties on Malt, Mum, Cyder, and Perry, for the Service of the year 1716, and for compelling several Receivers to finish and clear

their Accompts; and for making Duplicates of Exchequer-Bills, Lottery Tickets, and Orders, lost, burnt, or destroyed; and for enlarging the time for adjusting Claims to certain Benefit Tickets; and for allowing the Charge of executing the Lottery Act for the Service of the year 1710; and for recovering Monies of several Land Taxes, resting in the Hands of Collectors or Constables at St. Albans, and for preventing Frauds in the Duties upon Soap; and for limiting a time for Persons who have certain Annuities for Life or Lives to demand the Payment thereupon at the Exchequer; and for prevanting Frauds in the Duties relating to printed and painted Paper, Cullenes, and other things therein mentioned.

37. — to enable his Majesty to grant the Regalities and Lands now remaining in the Crown, in North Wales and South Wales, and county of Chester, to his Royal Highness the Prince of Wales, in such Manner and Form as the Principality of Wales and Earldom of Chester have formerly been granted to the Princes of Wales, and also to enable his said Royal Highness to make Leases of Lands, Parcel of his Royal Highness's Dutchy of Cornwall, or annexed to the same.

38 — for enlarging the Time of Continuance of Parliaments, appointed by an Act made in the 6th year of the Reign of King William and Queen Mary, intituled, An Act for the frequent meeting and calling of Parliaments.

39. — to indemnify such Persons who have acted in Defence of his Majesty's Person and Government, and for the Preservation of the Public Peace of this Kingdom, in and about the time of the late unnatural Rebellion, from vexatious Suits and Prosecutions.

40 — for the free Importation of Cochineal, during the time therein limited.

41 — for giving Liberty to Persons, who have served their Apprenticeships to any part of the Woollen Manufacture in Colchester, to work at their said Trades, and at the making Bays within the said Town.

42. — for the Attainder of George Earl of Marischall, William Earl of Sesforth, James Earl of Southesque, James Earl of Panmuir, and others, of High Treason, unless they shall render themselves to Justice by a day certain, therein mentioned.

43. — to continue Duties for encouraging the Coinage of Money, and to charge the Duties on Senna as a medicinal Drug; and for the appropriating several Supplies granted to his Majesty.

44. — for the continuing the Duty of two Pennies Scots, or one sixth of a Penny sterling, on every Pint of Ale and Beer that shall be vended or sold within the City of Glasgow and Privileges thereof, for the Benefit of the said City.

45. — for holding the Assize for the County of Cornwall, at a convenient Place within the said County.

46 — to prevent the Mischiefs by manufacturing Leather or other things to resemble Tobacco, and the Abuses in making and mixing of Snuff.

47. — for the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert, or who, being Papists, shall inlist themselves in his Majesty's Service in Great Britain or Ireland, or in the Islands of Jersey or Guernsey.

48. — to encourage the Planting of Timber Trees, Fruit-Trees and other Trees, for Ornament, Shelter or Profit, and for the better Preservation of the same; and for the preventing the Burning of Woods.

49. — to revive and continue an Act of the eighth and ninth years of the Reign of his late Majesty King William, for Repair of the Piers of Bridlington alias Burlington, in the East-Riding of the County of York

50. — for appointing Commissioners to enquire of the Estates of certain Traitors, and of Popish Recusants, and of Estates given to superstitious Uses, in order to raise Money out of them severally for the Use of the Public.

51. — for repealing so much of the Act of the 12th and 13th years of the Reign of King William the Third, intituled, 'An Act for the 'farther Limitation of the Crown, and better 'securing the Rights and Liberties of the Sub-'jects,' as enacts, That no Person, who should come to the Possession of the Crown, shall go out of the Dominions of England, Scotland or Ireland, without Consent of Parliament.

52. — for making the Laws for repairing the Highways more effectual.

53. — for the Attainder of Thomas Forster junior, Esq. and William Mackintosh, Esq. (commonly called Brigadier Mackintosh) of High Treason.

54. — for the more effectual securing the Peace of the Highlands in Scotland.

55. — to oblige Papists to register their Names and real Estates.

56. — to disable any Person from being chose a Member of, or from sitting and voting in the House of Commons, who has any Pension for any Number of Years from the Crown.

57. — for better regulating Hackney-Coaches, Carts, Drays, Carrs and Waggons, within the Cities of London and Westminster, and the Weekly Bills of Mortality; and for preventing Mischiefs occasioned by the Drivers riding upon such Carts, Drays, Carrs and Waggons.

Anno 3, *Georgii* 1.

1. An Act to enable his Majesty effectually to prohibit or restrain Commerce with Sweden.

2. — for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

3. — for granting an Aid to his Majesty by a Land Tax in Great Britain, for the Service of the Year 1717.

4. — for continuing the Duties on Malt, Mum, Cyder and Perry, for the Service of the Year 1717, and to authorise Allowances to be made for certain Recoveries, and to obviate a

Doubt concerning Goods imported from the Islands of Jersey, Guernsey, Sark and Alderney, and to ascertain the Duties upon Sheepskins and Lamb skins; and to prevent Frauds in the Duties upon Starch; and for making forth Duplicates of Exchequer-Bills, Lottery Tickets and Orders, lost, burnt or destroyed; and for enlarging the Time for adjusting Claims in several Lotteries, and for preventing Frauds in the Duties on Low Wines and Spirits carried Coastwise.

5. — for continuing the Duty of two Pennies Scots, or one sixth part of a Penny Sterling, on every Pint of Ale and Beer that shall be vended or sold within the City of Edinburgh, and Privileges thereof, for the Benefit of the said City, and for discontinuing the Payment of the Dues commonly called the Petty-Port Customs at Edinburgh, during the Continuance of this Act.

6 — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, upon every Pint of Ale and Beer that shall be vended or sold within the Town of Dumfries, and Privileges thereof, for paying the Debts of the said Town, and for building a Church, and making a Harbour there.

7. — for redeeming the Duties and Revenues, which were settled to pay off Principal and Interest on the Orders made forth on Four Lottery Acts, passed in the 9th and 10th years of her late Majesty's Reign, and for redeeming certain Annuities, payable on Orders out of the Hereditary Excise, according to a former Act in that Behalf, and for establishing a general Yearly Fund, not only for the future Payment of Annuities, at several Rates, to be payable and transferrable at the Bank of England, and redeemable by Parliament, but also to raise Monies for such Proprietors of the said Orders as shall chuse to be paid their Principal and Arrears of Interest in ready Money; and for making good such other Deficiencies and Payments as in this Act are mentioned; and for taking off the Duties on Linseed imported, and British Linen exported.

8. — for redeeming several Funds of the Governor and Company of the Bank of England, pursuant to former Provisos of Redemption; and for securing to them several new Funds and Allowances, redeemable by Parliament; and for obliging them to advance further Sums not exceeding 2,500,000*l.* at 5*l.* per cent. as shall be found necessary to be employed in lessening the National Debts and Incumbrances; and for continuing certain Provisions formerly made for the Expences of his Majesty's Civil Government; and for Payment of Annuities formerly purchased at the Rate of 5*l* per cent. and for other Purposes in this Act mentioned.

9. — for redeeming the Yearly Fund of the South Sea Company (being after the Rate of 6*l.* per cent. per ann.), and settling on the said Company a Yearly Fund, after the Rate of 5*l* per cent. per ann. redeemable by parliament; and to raise, for an Annuity or Annuities at 5*l.* per cent. per ann. any Sum not exceeding two millions, to be employed in lessening the National Debts and Incumbrances; and for making the said new Yearly Fund and Annuities to be hereafter redeemable, in the Time and Manner thereby prescribed.

10 — for the better collecting and levying the Revenue of the Tenths of the Clergy.

11. — to explain and amend several Laws therein mentioned, for the better Preservation of the Game.

12 — to empower Commissioners in Commissions of Bankrupts, issued since the 24th day of June 1706, and on or before the 26th day of June 1716, to make Certificates for Bankrupts; and the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, or two Judges, to confirm the same, notwithstanding the Acts of the fourth and fifth, and the fifth of Queen Anne are expired; and for continuing a Clause in a former Act, for adjusting Accompts between Bankrupts and their Debtors.

13. — for the better regulating of Pilots, for the conducting of Ships and Vessels from Dover, Deal, and the Isle of Thanet, up the Rivers of Thames and Medway.

14. — to continue an Act of the first year of his Majesty's Reign, intituled, 'An Act for 'taking and stating the Debts due and growing 'due to Scotland, by Way of Equivalent, in the 'Terms of the Union; and for Relief of the 'Creditors of the Public, and the Commissioners 'of the Equivalent.'

15. — for the better regulating the Office of Sheriffs; and for ascertaining their Fees, and the Fees for suing out their Patents, and passing their Accompts.

16. — for the better enabling Sheriffs to sue out their Patents, and pass their Accompts.

17. — to enable his Majesty to appoint Commissioners, to take, examine, state, and determine, the Debts due to the Army.

18. — for explaining an Act, passed the last Session of Parliament, intituled, 'An Act 'to oblige Papists to register their Names and 'Real Estates,' and for enlarging the Time for such registering; and for securing Purchases made by Protestants.

19. — for the King's most gracious, general, and free Pardon.

20 — to enlarge the Time for making Claims before the Commissioners appointed to inquire of the forfeited Estates.

21. — for continuing the Liberty of exporting Irish Linen Cloth to the British Plantations in America, Duty free; and for the more effectual Discovery of, and prosecuting, such as shall unlawfully export Wool and Woollen Manufactures from Ireland; and for Relief of John Fletcher, in respect of the Duty by him paid for a Quantity of Salt lost in the Exportation for Ireland.

Anno 4 Georgii 1.

1 An Act for granting an Aid to his Majesty, by a Land-Tax to be raised in Great Britain for the Service of the year 1718.

2 — to enable his Majesty to be Governor of the South-Sea Company

3 — for continuing the Duties on Malt, Mum, Cyder and Perry, for the Service of the year 1718; and for making forth Duplicates of Exchequer-Bills, and Lottery-Tickets and Orders, lost, burnt or destroyed; and for appropriating the Supplies granted in this Session of Parliament.

4 — for punishing Mutiny and Desertion, and for the better Payment of the Army, and their Quarters.

5 — for finishing the Tower of the Parish Church of St. Michael, Cornhill, London, out of the Duties arising pursuant to the Act of the ninth year of the late Queen for building 50 new Churches in and about the Cities of London and Westminster, and the Suburbs thereof

6. — for Relief of the wholesale Traders and Dealers in English Bonelace, by obviating several Doubts in the several Acts for licensing Hawkers and Pedlars

7. — for making more effectual an Act made in the 8th year of the Reign of the late Queen Anne, intitled, 'An Act for employing the 'Manufacturers by encouraging the Consump-'tion of Raw Silk, and Mohair Yarn.'

8. — for vesting the forfeited Estates in Great Britain and Ireland, in Trustees, to be sold for the Use of the Public; and for giving Relief to lawful Creditors, by determining the Claims; and for the more effectual bringing into the respective Exchequers the Rents and Profits of the said Estates, till sold

9 — to appoint Commissioners to take, examine, state and determine the Debts due to the Army, and to examine and state the Demands of several foreign Princes and States for Subsidies during the late War.

10. — for making the Dividend of subscribed Lottery-Annuities, and other Annuities established by several Acts of Parliament, payable Half-yearly at the Bank of England.

11. — for the further preventing Robbery, Burglary and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates.

12. — for enforcing and making perpetual an Act of the 12th year of her late Majesty, intuled, 'An Act for the preserving of all such 'Ships and Goods thereof, which shall happen 'to be forced on Shore, or stranded upon the 'Coasts of this Kingdom, or any other of her 'Majesty's Dominions;' and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships.

13.— for enlarging the Term of Years granted by the Acts of the 11th and 12th Years of King William the Third, and 2nd and 3rd Years of Queen Anne, for the Repair of Dover Harbour.

14. — to impower the Commissioners appointed to put in Execution the Act of the 9th and 10th Years of her late Majesty's Reign, for building 50 new Churches in and about the Cities of London and Westminster, and Suburbs thereof, to direct the Parish Church of St. Giles in the Fields, in the County of Middlesex, to be rebuilt, instead of one of the said fifty new Churches

Anno 5 Georgii 1

1 An Act for granting to his Majesty an Aid by a Land-Tax to be raised in Great Britain, for the Service of the Year 1719

2. — for continuing the Duties on Malt, Mum, Cyder and Perry, for the Service of the Year 1719, and for enlarging the Time for entering at the Exchequer such Assignments of reversionary Annuities as are therein mentioned; and for better securing the Duties on Hides and Skins, Vellum and Parchment.

3. — for applying certain Overplus Monies, and further Sums, to be raised, as well by way of a Lottery, as by Loans, towards paying off and cancelling Exchequer-Bills, and for lessening the present great Charge in relation to those Bills; and for circulating and exchanging for ready Money the Residue of the same Bills for the future.

4. — for strengthening the Protestant Interest in these Kingdoms.

5. — for punishing Mutiny and Desertion, and for the better Payment of the Army, and their Quarters

6. — for quieting and establishing Corporations.

7 — for continuing an Act made in the 12th 'Year of the Reign of her late Majesty Queen Anne, intituled, 'An Act for encouraging the 'Tobacco Trade.'

8 — for the more effectual Relief of such Wives and Children, as are left by their Husbands, and Parents, upon the Charge of the Parish.

9 — for continuing certain Duties upon Coals and Culm, and for establishing certain Funds, to raise Money, as well to proceed in the building of new Churches, as also to complete the Supply granted to his Majesty, and to reserve the overplus Monies of the said Duties for the Disposition of Parliament; and for the more effectual suppressing private Lotteries.

10. — for enlarging the Time granted by two Acts of Parliament, for Repairs of the Piers of Bridlington, alias Burlington; and for making the said Acts more effectual.

11. — against clandestine running of uncustomed Goods; and for the more effectual preventing of Frauds relating to the Customs.

12. — for making more effectual the several Acts past for repairing and amending the Highways of this Kingdom.

13. — for the Amendment of Writs of Error; and for the further preventing the Arresting or Reversing of Judgments after Verdict.

14. — to continue the Commissioners appointed to examine, state and determine the Debts due to the Army, and to examine and state the Demands of several foreign Princes and States for Subsidies during the late War.

15. — for making more effectual an Act of the 3rd and 4th Years of the Reign of King

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William and Queen Mary, intitled, 'An Act 'for the more effectual Discovery and Punish-'ment of Deer-stealers.'

16 — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, upon every Pint of Ale or Beer, that shall be vended or sold within the Town of Dunbar, for improving and preserving the Harbour, and repairing the Town-house, and building a School, and other public Buildings there; and for supplying the said Town with fresh Water.

17 — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, upon every Pint of Ale or Beer, that shall be vended or sold within the Town of Inverness, and Privileges thereof, for paying the Debts of the said Town, and for building a Church, and making a Harbour there.

18. — for recovering the Credit of the British Fishery in foreign Parts; and better securing the Duties on Salt.

19. — for redeeming the Fund appropriated for Payment of the Lottary-Tickets, which were made forth for the Service of the Year 1710, by a voluntary Subscription of the Proprietors into the Capital Stock of the South-Sea Company; and for raising a Sum of Money to pay off such Debts and Incumbrances as are therein mentioned; and for appropriating the Supplies granted in this Session of Parliament; and to limit Times for Prosecutions upon Bonds for exporting Cards and Dice.

20. — for settling certain yearly Funds, payable out of the Revenue of Scotland, to satisfy public Debts in Scotland, and other Uses mentioned in the Treaty of Union; and to discharge the Equivalents claimed on Behalf of Scotland, in the Terms of the same Treaty; and for obviating all future Disputes, Charges and Expences concerning those Equivalents.

21. — for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies; and for the more effectual preventing all his Majesty's Subjects trading thither under foreign Commissions

22 — for enlarging the Time to determine Claims on the forfeited Estates.

23. — for appointing a Commissioner and Trustee to put in Execution the Powers and Authorities of the several Acts of Parliament relating to the forfeited Estates, and Estates given to superstitious Uses, in the Room of George Treby, Esq. who has desired to be discharged from the said Trusts.

24. — for the better preventing Frauds committed by Bankrupts.

25 — for continuing the Act made in the eighth Year of the Reign of the late Queen Anne, to regulate the Price and Assize of Bread; and for continuing the Act made in the 12th Year of her said late Majesty's Reign, for the better Encouragement of the making Sail-Cloth in Great Britain.

26. — for preventing the Mischiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of London and Westminster, or the Suburbs thereof.

27. — to prevent the Inconveniencies arising from seducing Artificers in the Manufactures of Great Britain into foreign Parts.

28. — for the further Punishment of such Persons as shall unlawfully kill or destroy Deer in Parks, Paddocks or other inclosed Grounds.

29. — for making more effectual the Laws appointing the Oaths for Security of the Government, to be taken by Ministers and Preachers in Churches and Meeting-houses in Scotland.

30 — for amending and making more effectual the Laws for repairing the Highways, Bridges, and Ferries in that Part of Great Britain called Scotland.

31. — for enlarging the Time granted by an Act of the 9th and 10th Years of King William, for cleansing and making navigable the Channel from the Hythe at Colchester to Wivenhoe; and for making the said Act more effectual.

32. — for Relief of such Sufferers of the Islands of Nevis and St. Christopher's as have settled in either of those Islands, and made due Proof of such Settlement before the 25th day of December 1712.

Anno 6 *Georgii* 1.

1 An Act for granting to his Majesty an Aid by a Land-Tax to be raised in Great Britain, for the Service of the Year 1720.

2 — for continuing the Duties on Malt, Mum, Cyder and Perry, for the Service of the Year 1720, and for enabling the Lords Commissioners of his Majesty's Treasury to call in such Exchequer-Bills as are to be cancelled and discharged with Money appointed for that Purpose.

3 — for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

4 — for enabling the South-Sea Company to increase their present Capital Stock and Fund, by redeeming such public Debts and Incumbrances as are therein mentioned; and for raising Money to be applied for lessening several of the public Debts and Incumbrances; and for calling in the present Exchequer-Bills remaining uncancelled; and for making forth new Bills in Lieu thereof, to be circulated and exchanged upon Demand at or near the Exchequer.

5. — for the better securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain.

6. — for preventing the Carriage of excessive Loads of Meal, Malt, Bricks and Coals, within ten Miles of the Cities of London and Westminster.

7. — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, upon every Pint of Ale or Beer that shall be vended or sold within the Town of Montrose, and Privileges thereof, for supplying the said

Town with fresh Water, and for other Purposes therein mentioned.

3. — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, upon every Scots Pint of Beer or Ale vended or sold within the Town of Brunt-island and Liberties thereof, for increasing the public Revenue of the said Town, and for other Purposes therein mentioned.

9. — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, upon every Scots Pint of Beer and Ale that shall be vended or sold within the Town of Pittenweem and Liberties thereof, for repairing the Harbour there, and for maintaining other public Works of the said Town.

10 — for making forth new Exchequer-Bills, not exceeding one Million, at a certain Interest; and for lending the same to the South-Sea Company at an higher Interest, upon Security of repaying the same and such high Interest into the Exchequer, for Uses to which the Fund for lessening the public Debts (called the Sinking Fund) is applicable; and for circuleting and exchanging upon Demand the said Bills at or near the Exchequer.

11. — for laying a Duty upon wrought Plate; and for applying Money arising for the clear Produce (by Sale of the forfeited Estates) towards answering his Majesty's Supply; and for taking off the Drawbacks upon Hops exported for Ireland, and for Payment of Annuities, to be purchased after the Rate of 4*l* per cent. per ann. at the Exchequer, redeemable by Parliament; and for appropriating Supplies granted in this Session of Parliament; and to prevent counterfeiting Receipts and Warrants of the Officers of the South-Sea Company; and for explaining a late Act concerning foreign Salt, cellared and locked up before the 24th day of June 1719; and to give a further Time for paying Duties on certain Apprentices Indentures; and for Relief of Thomas Vernon, Esq. in relation to a Parcel of Senna imported in the Year 1716.

12. — for preventing of Frauds and Abuses in the Allowences on damaged Wines, and for lengthening the Time for the Drawbacks on the Exportation of Wines.

13 — for ascertaining the Breadths, and preventing Frauds and Abuses in manufacturing Serges, Pludings and Pingrums, and for regulating the Manufactores of Stockings, in that Part of Great Britain called Scotland.

14. — for prohibiting the Importation of raw Silk and Mohair Yarn of the Product or Manufacture of Asia, from any Ports or Places in the Streights or Levant Seas, except such Ports and Places as are within the Dominions of the Grand Signior

15. — to repeal so much of the Act, intituled, 'An Act for preventing Frauds, and regulating Abuses in his Majesty's Customs,' passed in the 13th and 14th Years of King Charles the Second, as relates to the prohibiting the Importation of Deal-Boards and Fir-Timber from Germany.

16. — to explain and amend an Act passed in the first Year of his Majesty's Reign intituled, 'An Act to encourage the planting of 'Timber-Trees, Fruit-Trees, and other Trees, 'for Ornament, Shelter or Profit, and for the 'better Preservation of the same, and for the 'preventing the burning of Woods, and for 'the better Preservation of the Fences of such 'Woods.'

17. — for appointing Commissioners to examine, state and determine the Debs due to the Army; and to examine and state Demands of several foreign Princes and States for Subsidies during the late War.

18. — for better securing certain Powers and Privileges intended to be granted by his Majesty by two Charters, for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable Practices therein mentioned.

19. — for making perpetual so much of an Act made in the 10th Year of the Reign of Queen Anne, for the reviving and continuing several Acts therein mentioned, as relates to the building and repairing County Gaols; and also an Act of the 11th and 12th Years of the Reign of King William the Third, for the more effectual Suppression of Piracy; and for making more effectual the Act of the 13th Year of the Reign of King Charles the Second, intituled, 'An Act for establishing Articles 'and Orders for the regulating and better Go- 'vernment of his Majesty's Ships of War and 'Forces by Sea.'

20. — for continuing the Acts formerly made for preparing the Highways in the County of Hertford therein mentioned, and for making the said Acts more effectual.

21 — for preventing Frauds and Abuses in the Public Revenues of Excise, Customs, Stamp-Duties, Post-Office, and House-Money.

22. — for Relief of Insolvent Debtors, and for the more easy Discharge of Bankrupts out of Execution, after their Certificates allowed.

23 — for the further preventing Robbary, Burglary, and other Felonies, and for the more effectual Transportation of Felons.

24. — for better explaining the Nature of Conveyances to be made to the Purchasers of the forfeited Estates by the Commissioners and Trustees acting in Scotland; and for preventing Difficulties in determining Claims on the said Estates; and to enable the Judges in Ireland to examine Witnesses relating to Claims on forfeited Estates there; and for enabling such Corporations as shall purchase any of the said Estates, to grant Annuities, not exceeding the yearly value of the said Estates; and for relieving the Widow and Daughters of the late Sir Edward Macdonald.

25. — for repairing the Roads from Stevenidge in the County of Hertford, to Biggleswade in the County of Bedford.

26 — for enlarging the Term granted by an Act in the 4th Year of his Majesty's Reign, intituled, 'An Act for repairing the Highway,

[illegible]ing from the Stones-End in Kent-street ' to the Lime-Kilns in East-Greenwich near ' [illegible]-Heath, and to Lewisham Church, being ' the Turnbridge Road in the County of Kent,' and for repairing and amending the Highways and Roads leading from Westminster Ferry in the Parish of Lambeth in the County of Surrey, to New-Cross in the Parish of Deptford in the County of Kent; and for enlarging the Term granted by an Act passed in the 4th Year of his Majesty's Reign, intituled, ' An Act for ' amending the Roads from the City of London ' to the Town of East-Grinstead in the County ' of Sussex, and to Sutton and Kingston in the ' County of Surrey;' and for Explaining and Amending the same Act.

27. — for making the River Darwent in the County of Derby navigable.

28 — for making the River Douglas alias Asland, navigable, from the River Ribble to Wigan in the County Palatine of Lancaster

29. — for preserving and improving the Navigation of the River Ouse in the County of Huntington.

30. — for making the River Idle navigable, from East-Retford in the County of Nottingham, to Bawtry-Wharf in the County of York.

Anno 7 Georgii 1.

1. An Act for restraining the Sub-Governor, Deputy-Governor, Director, Treasurer or Cashier, Deputy-Cashier, and Accountant of the South-Sea Company, from going out of the Kingdom for the Space of one Year, and until the end of the then next Session of Parliament; and for discovering their Estates and Effects; and for preventing the transporting or alienating the same.

2. — to disable the present Sub-Governor Deputy-Governor and Directors of the South-Sea Company, at, from, and after the respective Times for electing a Sub-Governor, Deputy Governor and new Directors of the said Company, to take, hold or enjoy any Office, Place or Employment in the said Company, or in the East-India Company, or Bank of England, and from voting upon Elections in the said Company.

3. — for repealing an Act made in the 9th Year of the Reign of her late Majesty Queen Anne, intituled, ' An Act to oblige Ships ' coming from Places infected, more effectually ' to perform their Quarentine;' and for preventing the Plague being brought from foreign Parts into Great Britain or Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark or Man; and to hinder the spreading of Infection

4. — for granting an Aid to his Majesty by a Land-Tax to be raised in Great Britain, for the Service of the Year 1721.

5. — to enable the South-Sea Company to ingraft Part of their Capital Stock and Fund, into the Stock and Fund of the Bank of England, and another part thereof into the Stock and Fund of the East-India Company; and for giving further Time for Payments to be made by the said South-Sea Company, to the Use of the Public

6. — for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

7. — to preserve and encourage the Woollen and Silk Manufactures of this Kingdom; and for more effectual employing the Poor, by prohibiting the Use and Wear of all printed, painted, stained or died Callicoes, in Apparel, Houshold stuff, Furniture or otherwise, after the 25th day of December 1722 (except as therein is excepted.)

8 — for enlarging the Time for making the River Kennet navigable from Reading to Newbury in the County of Berks

9 — for the better Preservation of the Harbour of Rye in the County of Sussex.

10 for making the River Weaver navigable from Frodsham-Bridge to Windsford-Bridge in the County of Chester.

11. — for finishing and adorning the new Chapel, called St. George's Chapel, in Great Yarmouth in the County of Norfolk, and for enlightening the Streets of the said Town, by a Duty or Imposition of Coals, Culm and Cinders, to be landed and consumed there.

12. — for employing the Manufactures, and encouraging the Consumption of Raw-Silk and Mohair Yarn, by prohibiting the Wearing of Buttons and Button-holes made of Cloth, Serge, or other Stuffs.

13 — for regulating the Journeymen Taylors within the Weekly Bills of Mortality.

14. — for continuing the Duties granted by several Acts made in the 6th and 10th Years of her late Majesty's Reign, for repairing the Harbour and Key of Watchett, in the County of Somerset.

15. — for making the Rivers Mercy and Irwell navigable from Liverpoole to Manchester, in the County Palatine of Lancaster.

16. for the better preserving and keeping in Repair the Piers of the Town and Port of Whitby in the County of York, and for explaining and making more effectual the several Acts passed for lengthening and repairing the Piers of Bridlington, alias Burlington, in the said County.

17. — for making navigable the River Dane, from Northwich, where it joins the River Weaver, to the falling in of Weelock-Brook; and Weelock-Brook up to Weelock-Bridge in the County of Chester

18 — for enlarging the Term granted by an Act passed in the 10th Year of the Reign of her late Majesty Queen Anne, intituled, ' An Act for repairing the Road from High-' gate Gate-house in the County of Middlesex, ' to Barnet Blockhouse in the County of Hert-' ford,' and for repairing the Road leading from the Bear-Inn in Hadley, to the Sign of the Angel in Enfield Chase in the said County of Middlesex.

19 — for continuing an Act made in the 6th Year of the Reign of her late Majesty Queen Anne, intituled, ' An Act for repairing

' and enlarging the Highways between the Top ' of Kingsdown-Hill and the City of Bath; and ' also several Highways leading to and through ' the said City; and for cleansing, paving and ' lighting the Streets, and regulating the ' Chairmen there;' and for explaining and making the said Act more effectual.

20. — for continuing the Duties on Malt, Mum, Cyder and Perry, to raise Money by way of a Lottery, for the Service of the Year 1721, and for transferring the Deficiency of a late Malt-Act to the Land-Tax for the said Year; and for disposing certain overplus Money to proper Objects of Charity; and for giving further Time in Clerks and Apprentices to pay Duties omitted to be paid for their Indentures and Contracts, and touching small Quantities of Cyder exported; and for Relief of Captain John Perry, concerning Dagenham Breach; and touching lost Bills, Tickets or Orders; and concerning the Duty of small Pieces of Plate; and to enable the Undertakers for raising Thames Water in York-Buildings, to sell Annuities by way of a Lottery, and for satisfying a Debt, which was charged on the late Duty on Hops; and for appropriating the Monies granted in this Session of Parliament.

21. — for the further preventing his Majesty's Subjects from trading to the East-Indies under foreign Commissions, and for encouraging and further securing the lawful Trade thereto, and for further regulating the Pilots of Dover, Deal and Isle of Thanet.

22. — for enabling Charles Earl of Arran to purchase the forfeited Estate of James Butler, late Duke of Ormond; and for granting Relief to William late Lord Widdrington; and for enlarging the Time for determining Claims upon the forfeited Estates, and for enabling the Commissioners for the said forfeited Estates to certify into the Exchequer, all such Estates as they have found to be given to Popish or superstitious Uses.

23. — for repairing the several Roads leading from the Town of Ledbury in the County of Hereford, to the several Places therein mentioned.

24. — for repairing the Road from Wendover to the Town of Buckingham, in the County of Bucks.

25 — for laying a Duty of two Pennies Scots, or one sixth Part of a Penny Sterling, shall upon every Scots Pint of Ale and Beer that be brewed for Sale, vended or tapped within the Town of Jedburgh, and Privileges thereof, for paying the public Debts of the said Town, and for supplying the same with fresh Water, and for other Purposes therein mentioned.

26. — for repairing the Road from St Giles's Pound to Kilbourne Bridge, in the County of Middlesex.

27. — for raising a Sum not exceeding 500,000*l* by charging Annuities at the Rate of 5*l.* per cent per Ann upon the Civil List Revenues, till redeemed by the Crown; and for enabling his Majesty, his Heirs or Successors, (by causing such a Deduction to be made as therein is mentioned) to make good to the Civil List the Payments which shall have been made upon the said Annuities; and for borrowing Money upon certain Lottery-Tickets; and for discharging the Corporations for Assurances of Part of the Money which they were obliged to pay to his Majesty; and for making good a Deficiency to the East-India Company.

28 — for raising Money upon the Estates of the late Sub-Governor, Deputy-Governor, Director, Cashier, Deputy-Cashier and Accountant of the South-Sea Company, and of John Aislabie, Esq. and likewise of James Craggs, Senior, Esq. deceased, towards making good the great Loss and Damage sustained by the said Company; and for disabling such of the said Persons as are living, to hold any Office or Place of Trust under the Crown, or to sit or vote in Parliament for the future; and for other Purposes in the said Act expressed.

29. — for the King's most Gracious, General and Free Pardon.

30 — for appointing Commissioners to examine, state, and determine the Debts due to the Army.

31. — for explaining and making more effectual the several Acts concerning Bankrupts.

32 — to explain and amend the Act of the 12th Year of her late Majesty's Reign, intituled, ' An Act for repairing the Highway or ' Road from the Stones-End in the Parish of ' St. Leonard, Shoreditch, in the County of ' Middlesex, to the furthermost Part of the ' Northern Road in the Parish of Enfield, in the ' same County, next to the Parish of Cheshunt ' in the County of Hertford.'

Anno 7 Georgii 1. Sess. 2.

An Act for making several Provisions to restore the Public Credit, which suffers by the Frauds and Mismanagements of the late Directors of the South-Sea Company, and others.

Anno 8 Georgii 1.

1. An Act for granting an Aid to his Majesty by a Land-Tax to be raised in Great Britain, for the Service of the Year 1722.

2 — for continuing the Duties on Malt, Mum, Cyder and Perry, to raise Money by way of a Lottery, for the Service of the Year 1722, and for transferring the Deficiencies of a late Malt-Act to the Land-Tax for the said Year; and for giving Time for inserting the Money given with Apprentices in their Indentures, and touching lost Bills, Tickets or Orders; and for exchanging the Tickets in the Exchequer for Certificates; and for suppressing Lotteries, denominated Sales, and other private Lotteries, and for enlarging the Time for the Accountant General of the Bank of England, to return Duplicates of Annuities into the Exchequer.

3 — for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

4. — for taking off the Duty upon all Salt used in the Curing of red Herrings, and laying a proportionable Duty upon all red Herrings consumed at Home only; and for ascertaining the Customs and Excise payable for the Sugar-Houses in Scotland; and for making an Allowance for Salt lost in any Harbour or River of this Realm; and for the better securing the Duties on Salt delivered in Scotland

5. — to explain and amend the Act passed in the third Year of his present Majesty's Reign, for repairing the Highway from several Places therein mentioned, leading towards Highgate Gate-House and Hampstead, in the County of Middlesex.

6. — for granting the People called Quakers, such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under.

7. — for laying a Duty of two Pennies Scots or one sixth Part of a Penny Sterling, upon every Scots Pint of Ale or Beer that shall be brewed for Sale, vended or tapped within the Town of Elgin, and Privileges thereof, for paying the public Debts of the said Town, and for other the Purposes therein mentioned.

8. — to enable his Majesty effectually to prohibit Commerce (for the Space of one Year) with any Country that is or shall be infected with the Plague; and for shortening the Continuance of an Act passed in the 7th Year of his Majesty's Reign, intituled, 'An Act for 'repealing an Act made in the 9th Year of her 'late Majesty Queen Anne,' intituled, 'An 'Act to oblige Ships coming from Places 'infected, more effectually to perform their 'Quarentine; and for the better prevent-'ing the Plague being brought from Foreign 'Parts into Great Britain or Ireland, or Isles 'of Guernsey, Jersey, Alderney, Sark or Man, 'and to hinder the Spreading of Infection.'

9. — for continuing an Act passed in the 10th Year of the Reign of her late Majesty, intituled, 'An Act for repairing the Highway 'between a certain Place called Kilburn-'Bridge, in the County of Middlesex, and Spar-'rows-Herne in the County of Hertford;' and for making the said Act more effectual

10. — for repealing such Clauses in the Act passed in the 7th Year of his Majesty's Reign (relating to Quarentine and the Plague) as give Power to remove Persons from their Habitations, or to make Lines about Places infected.

11. — for restoring and rebuilding the Haven and Piers of Bridport, in the County of Dorset, and for making a Sluice there.

12. — giving further Encouragement for the Importation of Naval Stores; and for other Purposes therein mentioned.

13. — for the amending the Highways, leading from Brampton-Bridge, near Church-Brampton in the County of Northampton, through the Parish of Thornby, to a Bridge called Welford-Bridge, in the Parish of Welford in the said County; and also the great Post-Road from a Place called Morter-Pit Hill, in the Parish of Pisford in the said County, through the Towns and Parishes of Brixworth, Lamport, Maidwell, Kelmarsh, and Oxendon Magna, to a Bridge called Clunn-Bridge, leading into Market Harborough in the County of Leicester.

14. — for making the River Eden navigable to Bank-End in the County of Cumberland.

15 — for Encouragement of the Silk Manufactures of this Kingdom; and for taking off several Duties on Merchandizes exported; and for reducing the Duties upon Beaver-Skins, Pepper, Mace, Cloves, and Nutmegs imported; and for the Importation of all Furs of the Product of the British Plantations, into this Kingdom only; and that the two Corporations of Assurance, on any Suits brought on their Policies, shall be liable only to single Damages and Costs of Suit.

16 — for taking off the Duty upon all Salt used in the Curing and Making of White Herrings, and instead thereof laying a proportionable Duty upon all White Herrings consumed at Home only; and for making an Allowance for Tobacco exported from Scotland, in the Time therein mentioned; and for giving farther Relief to the Refiners of Rock-Salt.

17 — for more equal paying and better collecting certain small Sums therein mentioned, for Relief of Ship-wrecked Mariners, and distressed Persons (his Majesty's Subjects) in the Kingdom of Portugal; and for other pious and charitable Purposes usually contributed to by the Merchants trading to Portugal.

18. — to prevent the clandestine Running of Goods and the Danger of Infection thereby; and to prevent Ships breaking their Quarentine; and to subject Copper Ore, of the Production of the British Plantations, to such Regulations, as other enumerated Commodities of the like Production are subject

19. — for the better Recovery of the Penalties inflicted upon Persons who destroy the Game.

20. — for paying off and cancelling one Million of Exchequer-Bills, and to give Ease to the South-Sea Company, in respect of its present Obligation to circulate or contribute towards circulating Exchequer-Bills; and to give further Time to that Company for Repayment of one Million, which was lent to them; and for issuing a further Sum of New Exchequer-Bills towards his Majesty's Supply, to be discharged and cancelled, when the said Company shall repay the Million owing by them; and that the Exchequer-Bills, which are to continue, may be circulated at easy and moderate Rates; and for appropriating the Supplies granted to his Majesty in this Session of Parliament; and for Relief of the Sufferers in Nevis and St Christophers, by an Invasion of the French in the late War, and for laying further Duty on Apples imported; and for ascertaining the Duties on Pictures imported.

21 — to enable the South-Sea Company to dispose of the Effects in their Hands by way of Lottery or Subscription, or to sell Part of their

Fund or Annuity payable at the Exchequer, in order to pay the Debts of the said Company; and for Relief of such, who were intended to have the Benefit of a late Act touching Payment of Ten per cent. therein mentioned.

22. — to prevent the Mischiefs by foreign Powers to transfer such Stocks, or to receive such Annuities or Dividends as are therein mentioned, or by fraudulently personating the true Owners thereof; and to rectify the Mistakes of the late Managers for taking Subscriptions for increasing the Capital Stock of the South-Sea Company, and in the Instruments founded thereupon.

23. — for prolonging the Times for hearing and determining Claims before the Trustees, in whom the Estates of the late South-Sea Directors, and of John Aislabie, Esq. and likewise of James Craggs, Esq. deceased, are vested; and for other Purposes therein mentioned

24. — for the more effectual suppressing of Piracy.

25. — for supplying some Defects in the Statute of the 23rd of King Henry the 8th, 'intituled, 'An Act for Obligations to be 'taken by two Chief Justices, the Mayor of 'the Staple, and Recorder of London;' and for setting down the Time of signing Judgments in the Principality of Wales, and Counties Palatine.

26. — for better supplying the City and Liberties of Westminster, and Parts adjacent, with Water.

27 — for the better preventing Abuses committed in weighing and packing of Butter in the City of York.

28. — for supplying the Records of the Commissary Court of Aberdeen, burnt or lost in the late Fire there.

29. — for preventing Delays in the Execution of the Trust reposed in the Governors of the Hospital of King James, founded in the Charter-House, at the Charges of Thomas Sutton, Esq. for the Benefit of the said Hospital.

30. — for repairing the Highways from the Stones-End at Whitechapel Church, in the County of Middlesex, to Shenfield, and to the furthermost Part of the Parish of Woodford, leading to the Town of Epping in the County of Essex.

31 — to vest the Ground, Wharf and Key, called Wood-Key, in the Parish of All Saints Barking, in the City of London, with the Buildings and Warehouses thereupon, in Trustees for his Majesty, his Heirs and Successors for ever, subject to an Agreement made on his Majesty's Behalf, with the Wardens and Assistants of the Free-School in Sevenoake, in the County of Kent.

END OF VOL. VII.

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